

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF OCTOBER 30, 2009

(Published November 7, 2009, in *Finance and Commerce*)

Council Chamber  
350 South 5th Street  
Minneapolis, Minnesota  
October 30, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, Benson, President Johnson.

Absent – Council Member Colvin Roy.

Larry Ward, President of the Minneapolis Police Relief Association, requested that the City Council suspend Rule 15 so as to speak before the City Council.

Johnson ruled the request out of order, in accordance with the opinion of the City Attorney.

Benson moved adoption of the agenda. Seconded.

Majority Leader Benson assumed the Chair.

Johnson moved to amend the agenda by adding under new business motions to: 1) introduce an ordinance amending Chapter 3, Section 4 of the Minneapolis City Charter relating to *Powers and Duties of Officers: Executive Committee*, for first reading and referral to the Minneapolis Charter Commission; and 2) adopt the draft 2010 City Council Meeting Calendar. Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Colvin Roy.

President Johnson resumed the Chair.

The agenda, as amended, was adopted upon a voice vote 10/30/2009.

Absent - Lilligren, Colvin Roy.

Benson moved acceptance of the minutes of the regular meeting and the adjourned session held October 16, 2009. Seconded.

Adopted upon a voice vote 10/30/2009.

Absent - Lilligren, Colvin Roy.

Benson moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 10/30/2009.

Absent - Lilligren, Colvin Roy.

## PETITIONS AND COMMUNICATIONS

### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273841)

MN Shubert Theater, LLC (Artspace Projects, Inc, 508 & 516 Hennepin Ave): Preliminary & final approval to issue bonds for theater.

Guthrie Theater: Execution of various documents to amend Series 2003 bonds.  
Emergency Shelter Facility: Memorandum of Understanding to transfer space at 1000 Currie Ave to J. Jerome Boxleitner Project at 165 Glenwood Ave N.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273842)

East Bank Mills Redevelopment Plan & Modification No 10 to Holmes Urban Renewal Plan.

MN Shubert Performing Arts & Education Center (508 & 516 Hennepin Ave): Extension of Redevelopment Agreement & Promissory Note; Establishing governmental program; Acceptance of grant from State of MN; various authorizations.

Metropolitan Council Livable Communities Program Livable Communities Demonstration Account: Extension & budget amendment for West Broadway Curve Project.

Environmental Remediation Grant Applications: Applications to MN Department of Employment & Economic Development Contamination Cleanup & Investigation Grant Program, Metropolitan Council's Tax Base Revitalization Account Grant Program; & Hennepin County Environmental Response Fund.

**INTERGOVERNMENTAL RELATIONS:**

ATTORNEY (273843)

Mpls Charter Revision: Summaries/work group report for departments of Civil Service Commission, CPED, City Clerk, Civil Rights, City Atty & Mpls Park & Recreation Board.

INTERGOVERNMENTAL RELATIONS (273844)

2010 Legislative Agenda: City Assessor & Finance Department proposals; MN Department of Health & Family Support proposals.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

MINNESOTA MULTIHOUSING ASSOCIATION (273845)

The Fundamentals of Rental Property Management in Minnesota: Brochure and Resource Materials.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

EMERGENCY PREPAREDNESS (273846)

Emergency Operations Plans: Approve the Development of an Emergency Preparedness and Response Plans.

LICENSES AND CONSUMER SERVICES (273847)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273848)

One Stop (1604 W Broadway): Approve Business License Operating Conditions relating to Grocery, Tobacco and Ice Producer-Dealer/Wholesale Licenses.

JJ Grocery (3201 Cedar Av): Grant Grocery License and approving Business License Operating Conditions.

La Vina Restaurant and Banquet Center (805 E 38th St): Approve Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License.

New China Wok (5033 France Av S): Approve License Settlement Conference recommendations relating to Restaurant License.

LICENSES AND CONSUMER SERVICES (273849)

Walgreens (621 W Broadway): Approve Business License Operating Conditions relating to Grocery and Tobacco Licenses.

Dollar Shop (619 W Broadway): Approve Business License Operating Conditions relating to Grocery and Tobacco Licenses.

Handy Stop (700 Lowry Av NE): Approve Business License Operating Conditions relating to Grocery and Tobacco Licenses.

**REGULATORY SERVICES (273850)**

Inspections Division 2009 Special Assessment Levies: Approve maximum levy amounts for Removal of Offensive Matter (rubbish, weeds, trees, shrub & brush growth, and inoperable vehicle towing); Unpaid Administrative Citations; Unpaid Administrative Citations - Lead; Emergency Demolition of Property; Building Demolition; Vacant Building Registration; Re-inspection Fees; Police Action/Securing Buildings; Securing Abandoned Buildings; CDBG Demolitions; Sewer Overflow; Unpaid Administrative Citations - Environmental; and Unpaid Administrative Citations Nuisance; and Authorize Regulatory Services to continue to receive pre-payments until December 1, 2009 and send final levy list to Hennepin County Property Taxation Department; and Direct the Director of Hennepin County Taxation Department to place assessments against certain properties to defray the cost of work performed under authorization of Regulatory Services to correct nuisance or hazardous conditions on properties.

**REGULATORY SERVICES (273851)**

Licensing: Ordinances clarifying that liquor service between 1:00 a.m. and 2:00 a.m. is authorized only for establishments that have obtained a permit from the Commissioner of Public Safety under Minnesota Statute Section 340A.504, Subd. 7, permitting sales after 1:00 a.m.

Property at 2724 17th Av S: Determine that the property constitutes an immediate hazard to the public health and safety, and Approve waiver of 60-day waiting period requirement set forth in Chapter 249 of the Code.

Rental Dwelling License at 3649 Logan Av N: Reinstate license to be held by Dean R. Meier.

**REGULATORY SERVICES (273852)**

Property at 1111 28th Av NE: Approve demolition.

**REGULATORY SERVICES (273853)**

Property at 1304 42nd Av N; 4201 and 4203 Fremont Av N: Approve demolition.

**REGULATORY SERVICES (273854)**

Property at 2536 Polk St NE: Approve rehabilitation, subject to performance bond requirement.

**REGULATORY SERVICES (273855)**

Rental Dwelling License at 1543 E 33rd St: Revoke license held by Robert Cooch.

**REGULATORY SERVICES (273856)**

Rental Dwelling License at 3643 Dupont Av N: Revoke license held by Daniel Perfetti.

**REGULATORY SERVICES (273857)**

Rental Dwelling License at 5134 Logan Av N: Revoke license held by Ben Dossman IV.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**EMERGENCY PREPAREDNESS (273858)**

Emergency Preparedness: Accept Emergency Management Performance Grant (EMPG) of \$30,000 from State of Minnesota to offset salaries of Regulatory Services existing Emergency Preparedness staff; and Approve appropriation.

**REGULATORY SERVICES (273859)**

Bid for Demolition of Six Structures: OP #7197, accept low bid of Doboszinski and Sons for demolition of structures for Regulatory Services.

Bid for Demolition of Seven Structures: OP #7198, accept low bid of Buberl Recycling and Composting for demolition of structures for Regulatory Services.

**TRANSPORTATION AND PUBLIC WORKS:**

**CENTERPOINT ENERGY (273860)**

Utility Pole: Install at 2609 4th St SE.

**PUBLIC WORKS AND ENGINEERING (273861)**

Bottineau Transitway: Alternatives Analysis Study.

Traffic Zones, Restrictions, and Controls: 3rd Quarter 2009 report.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (273862)

Special Service Districts: Budget cost estimates and lists of service charges; Comments.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (273863)

Labor Peace and Responsible Bidder Policy Expansion: Establish Permanent Review Committee as Working Group.

Bus Shelter Franchise: Interim extension agreement.

Cedar Lake Trail: Acquisition of easements.

Bid: OP 7196, Accept low bid of Lund Martin Construction, Inc., for revenue control equipment.

**WAYS AND MEANS BUDGET:**

PUBLIC WORKS - WATER WORKS (273864)

2009 Budget Status Report: Update.

**WAYS AND MEANS BUDGET (See Rep):**

BUSINESS INFORMATION SERVICES (BIS) (273865)

Tier 4 Applications: Additional increase to Unisys Contract C-25200 to provide support of the City's Commercial Off The Shelf (COTS) software.

Mobile Data Computers: Increase OP #6874 with Hubb Systems, LLC d/b/a Data 911 to purchase additional computers.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (273866)

Parking Ramp Revenue Control Equipment: Increase contract with Don Harstad Company for upgrade equipment of Public Works ramps.

COORDINATOR (273867)

Metro Greenways Program: Accept grant from Minnesota Department of Natural Resources for a citywide tree mapping project.

COORDINATOR AND ATTORNEY (273868)

Ethics in Government: Adopt policies: a) Gifts Between Employees; b) Solicitation and Acceptance of Gifts on Behalf of the City; and c) Charitable Purposes.

FINANCE DEPARTMENT (273869)

1st through 3rd Quarter 2009 Gift Acceptance.

2009 Property Tax Special Assessment of Delinquent Utility Charges.

PUBLIC WORKS AND ENGINEERING (273870)

Solar Development and Solar Services: Issue RFP.

**ZONING AND PLANNING:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273871)

Zoning Code Text & Map Amendment Work Plan: Receive and file the work plan.

**ZONING AND PLANNING (See Rep):**

PLANNING COMMISSION/DEPARTMENT (273872)

Appeals:

Kevin & Valerie Holler (4420 Humboldt Ave N)

Ahmed Osman (1609 Chicago Avenue)

Zoning Code Text Amendment:

Ground Level Active Functions - Title 20, Chapters 530, 535

**NEW BUSINESS (See Rep):**

CITY CLERK (273873)

2009 Elections: Election Judge Appointments; and Absentee Ballot Board.

COUNCIL MEMBER JOHNSON (273874)

Draft 2010 City Council Meeting calendar.

**FILED:**

MAYOR (273875)

Minneapolis Police Chief: Mayor's letter of intent to nominate Timothy Dolan for reappointment to Minneapolis Chief of Police.

Collwell Partners LLC (273876)

Vacate alley between 2nd Ave N and First Ave N for Loading dock reasons.

DP Property (273877)

Vacate alley between 4th Ave N and 2nd Ave N for parking purposes.

*The following reports were signed by Mayor Rybak on November 4, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

**The COMMUNITY DEVELOPMENT Committee submitted the following reports:**

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds on behalf of Minnesota Shubert Theater, LLC (Artspace Projects, Inc), to finance the establishment of The Minnesota Shubert Performing Arts & Education Center at 508 and 516 Hennepin Ave, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$4,000,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2009, for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Goodman moved to amend the report and accompanying resolution by deleting the name "Minnesota Shubert Theater, LLC (Artspace Projects, Inc)" or "Minnesota Shubert Theater, LLC" wherever it appears and replace it with "Minnesota Shubert Center for Dance and Music, Inc. or another affiliate of Artspace Projects, Inc."

Also, to delete the following language in the resolution: "...which is a Minnesota limited liability company whose sole member is Artspace Project, Inc., a nonprofit corporation." Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Colvin Roy.

The report, as amended, was adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Approved by Mayor Rybak 10/30/2009.

(Published 11/3/2009)

Resolution 2009R-499, giving preliminary and final approval to and authorizing the financing of a project on behalf of Minnesota Shubert Center for Dance and Music, Inc. or another affiliate of Artspace Projects, Inc. (the "Borrower"), and authorizing the issuance of a revenue bond or bonds of the Minneapolis Community Development Agency therefor, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-499**  
**By Goodman**

**Giving preliminary and final approval to and authorizing the financing of a project on behalf of Minnesota Shubert Center for Dance and Music, Inc. or another affiliate of Artspace Projects, Inc. (the "Borrower"), and authorizing the issuance of a revenue bond or bonds of the Minneapolis Community Development Agency therefor.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue notes in an amount not to exceed \$4,000,000 (the "Notes") to finance the acquisition, renovation, construction, furnishing and equipping of the existing Shubert Theater and an adjacent entrance atrium to be used for a performing arts and education center and other related and ancillary functions (the "Project"); and

Whereas, the property included in the Project is owned by the Borrower; and

Whereas, the City expects to make a CDBG grant with respect to the Project and there is on file in the office of the City Clerk a form of Disbursing Agreement to be entered into among the City, the Agency, the Borrower and the providers of funding for the Project (the "Disbursing Agreement"); and

Whereas, the Agency expects to give final approval to the issuance of the Notes by a resolution to be adopted on the date hereof; and

Whereas, the Notes shall bear interest at a variable interest rate, shall have a final maturity date not later than December 31, 2013, and shall have such other terms as required or permitted by the Agency's resolution;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Notes in a principal amount not to exceed \$4,000,000 for the purpose of financing the Project.

Be It Further Resolved that the Disbursing Agreement is hereby approved and shall be executed by the authorized officers of the City in substantially the form on file, but with all such changes therein, not inconsistent with law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof.

Be It Further Resolved that the Notes are hereby designated as "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Approved by Mayor Rybak 10/30/2009.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the execution of various documents to amend the Series 2003 bonds issued on behalf of the Guthrie Theatre, to handle the issues raised by the merger of Wells Fargo Bank and Wachovia Bank.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Resolution 2009R-500, authorizing the amendment of terms of the Series 2003A Bonds issued on behalf of The Guthrie Theater Foundation and authorizing the execution of documents, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-500**

**By Goodman**

**Authorizing the amendment of terms of the Series 2003A Bonds issued on behalf of The Guthrie Theater Foundation and authorizing the execution of documents.**

Whereas, the City of Minneapolis (the "City") has previously issued its Adjustable Rate Demand Revenue Bonds (Guthrie Theater on the River Project), Series 2003A (the "Bonds") pursuant to Minnesota Statutes, Sections 469.152 to 469.165 and an Indenture of Trust dated as of October 1, 2003 (the "Indenture") between the City and U.S. Bank National Association, as trustee (the "Trustee"); and

Whereas, the functions of the Remarketing Agent, as defined in the Indenture, for the Bonds are being assigned by Wells Fargo Brokerage Services, LLC (as successor to RBC Dain Rauscher Inc.) to Wachovia Bank, National Association, effective as of November 6, 2009, pursuant to an Assignment, Assumption and Amendment Agreement (the "Assignment Agreement"), a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, in conjunction with such assignment, the Remarketing Agent has requested that the City and the Trustee enter into an amendment to the Indenture (the "Indenture Amendment"), a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Assignment Agreement and the Indenture Amendment are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the form submitted to this meeting, and the City Finance Officer is hereby authorized and directed to execute, acknowledge and deliver the Assignment Agreement and the Indenture Amendment on behalf of the City with such changes, insertions and omissions therein as do not change the substance of the Assignment Agreement or the Indenture Amendment and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Assignment Agreement and the Indenture Amendment.

Be It Further Resolved that in the absence or disability of the City Finance Officer, the Acting Finance Officer or other officer may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

**Comm Dev** - Your Committee, having under consideration emergency shelter facilities, now recommends that Department of Community Planning & Economic Development staff be authorized to execute a Memorandum of Understanding to transfer an existing Emergency Shelter Facility at Secure Waiting Space located at 1000 Currie Ave to the new J. Jerome Boxleitner project at 165 Glenwood Ave N.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

**The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the East Bank Mills Redevelopment Plan, which establishes the East Bank Mills Redevelopment Project, an eight-acre area proposed for redevelopment and preservation by Mill Development, LLC, generally bounded by 2nd St SE to the north, 3rd Ave SE to the west, Main St SE to the south and 6th Ave SE to the east, and Modification No. 10 to the Holmes Urban Renewal Plan, which removes the parcel at 501 Main St SE

from the Holmes Urban Renewal Area, now recommends passage of the accompanying resolution approving said Plan and Modification.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Resolution 2009R-501, approving the East Bank Mills Redevelopment Plan and Modification No 10 to the Holmes Urban Renewal Plan, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-501**  
**By Goodman and Ostrow**

**Approving the East Bank Mills Redevelopment Plan and Modification No 10 to the Holmes Urban Renewal Plan.**

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. By Resolution duly adopted on November 27, 1968 and approved on December 2, 1968, the City approved the Holmes Urban Renewal Plan and thereby established the Holmes Urban Renewal Area. Nine subsequent modifications to the Holmes Urban Renewal Plan were approved by Council Resolution.

1.3. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the East Bank Mills Redevelopment Plan and Modification No 10 to the Holmes Urban Renewal Plan (collectively, the "Plans"). The Plans create a new redevelopment project area (the "Project Area") and remove one half-block from the Holmes Urban Renewal Area, state the City's objectives, describe proposed development activity and indicate land uses to facilitate redevelopment of the Project Area, all pursuant to and in accordance with the Project Laws.

1.4. The City has performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood group and the City Planning Commission, and the holding of a public hearing after published notice as required by law.

Section 2. Findings

2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Project Laws.

2.2. The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid and public assistance to be sought.

2.3. The Council further finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the Project Area by private enterprise.

2.4. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the city as a whole.

2.5. The Council further finds, determines and declares that the East Bank Mills Redevelopment Project is a redevelopment project pursuant to Minnesota Statutes, Section 469.002, Subdivisions 14 and 16 and that the Project Area is a "blighted area" pursuant to Minnesota Statutes, Section 469.002, Subdivision 11.

2.6. The Council further finds, determines and declares that the reasons and facts supporting the findings in this Resolution are described in the Plans.

2.7. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

Section 3. Approval of the Plans

3.1. Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Minnesota Shubert Performing Arts & Education Center at 508 and 516 Hennepin Ave, now recommends:

a) Approval of a two-month extension to the Redevelopment Agreement and Promissory Note and that the proper City officers be authorized to execute the amendments and all related documents;

b) With respect to a \$11,000,000 grant from the State of Minnesota -

1) Passage of the accompanying resolution establishing the governmental program to be achieved through construction and operation of the Minnesota Shubert Performing Arts & Education Center;

2) Acceptance of the \$11,000,000 grant for the Minnesota Shubert Performing Arts & Education Center project and passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation to reflect the receipt of said grant funds;

3) that the proper City officers be authorized to execute a grant agreement with the State of Minnesota; a use/lease agreement with Minnesota Shubert Theater LLC; a ground lease with Shubert Landholding LLC; a master disbursement agreement with title company and other funders; and such other documents necessary to implement the project, all in accordance with the terms set forth in the CPED staff report;

c) That the proper City officers be authorized to -

1) execute a grant agreement with Minnesota Shubert Theater LLC for \$2,000,000 in Community Development Block Grant-Recovery Act funding; and

2) execute a Memorandum of Agreement with the Minnesota State Historic Preservation Office and Artspace Projects Inc, or an affiliate regarding mitigation of impacts to historic elements.

Goodman moved to amend the report and accompanying resolution by deleting the name "Minnesota Shubert Theater, LLC" wherever it appears and replace it with "Minnesota Shubert Center for Dance and Music, Inc. or another affiliate of Artspace Projects, Inc." Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Colvin Roy.

The report, as amended, was adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Approved by Mayor Rybak 10/30/2009.

(Published 11/3/2009)

Resolution 2009R-502, establishing the governmental program to be achieved through construction and operation of Minnesota Shubert Performing Arts and Education Center in Minneapolis, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-502**  
**By Goodman and Ostrow**

**Establishing the governmental program to be achieved through construction and operation of Minnesota Shubert Performing Arts and Education Center in Minneapolis.**

Whereas, the City of Minneapolis (the "City") has adopted the Downtown 2010 plan, and one of the goals set forth in Downtown 2010 is to strengthen downtown's role as the region's center for arts, entertainment and culture; and

Whereas, the City's Comprehensive Plan includes policies supporting an Entertainment District in Downtown (Policy 4.16.3) and supporting development of Downtown Minneapolis as a unique retail, arts, and cultural destination (Policy 4.16.5); and

Whereas, the City's Comprehensive Plan also includes policies supporting arts and culture as a resource for economic development (Policy 9.1), increasing resources for arts and culture (Policy 9.3), promoting collaborations among arts and cultural organizations, artists, the City, and other partners (Policy 9.6), and promoting arts education opportunities for Minneapolis youth and adults; and

Whereas, Artspace Projects Inc. ("Artspace") is one of the unique amenities and arts institutions that Minneapolis desires to retain, enhance, support and promote; and

Whereas, Artspace has selected the historic Shubert Theater on downtown Hennepin Avenue for an expanded performing arts and education center that will achieve the goals of Downtown 2010 and the City's goals; and

Whereas, Artspace has an award-winning distance learning program to expose students from around the state to arts education and the new Minnesota Shubert Center will provide enhanced physical facilities for these educational programs; and

Whereas, the proposed Minnesota Shubert Center is expected to generate significant economic benefits in the form of direct and indirect construction spending, construction and permanent jobs, and direct and indirect spending by patrons of the institution; and

Whereas, Minnesota Statutes, section 469.012, authorizes the City to own, hold and improve real estate within its area of operation and to lease real and/or personal property, and Minnesota Statutes, section 469.155 authorizes the City to acquire, construct, hold and finance projects; and

Whereas, Minnesota Laws 2006, Chapter 258, Section 21, Subdivision 17(b), and Minn. Stat. §§471.191 specifically authorize the City to acquire an ownership interest in the Minnesota Shubert Center, to undertake the design, construction, furnishing and equipping of the Minnesota Shubert Center; to establish and maintain a program of public arts education and dance, music, and other performances at the Minnesota Shubert Center; and to enter into a lease or management agreement for operation of the Minnesota Shubert Center; and

Whereas, the State of Minnesota has approved a \$11,000,000 grant to the City to construct, furnish and equip the Minnesota Shubert Center; and

Whereas, to satisfy conditions of the State grant, the City must own or ground lease the Minnesota Shubert Center, but may enter into a use/lease agreement with the Minnesota Shubert Center for Dance and Music, Inc. or another affiliate of Artspace Projects, Inc. under which it will take on responsibility for the operation of the performing arts and education institution;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That the construction, ownership and operation of a Minnesota Shubert Center on downtown Hennepin Avenue will achieve the important public goals of the City identified above.
2. That the acquisition, construction, ownership, financing, lease and operation of the Minnesota Shubert Center are within the City's authority under Minnesota Statutes, sections 469.001-047, 469.155 and 471.15-471.191, and Minnesota Laws 2006, Chapter 258, Section 21, Subdivision 17(b).
3. That the governmental program to be achieved by the City's sponsorship of the Minnesota Shubert Center will be to establish and maintain a performing arts and education center for the purposes of public arts education and dance, music, and other performances and other related and ancillary functions, pursuant to which the City expects to support cultural participation and arts education and to encourage economic development.

4. That the City hereby accepts the grant of \$11,000,000 from the State of Minnesota and authorizes the appropriate City officials to execute a grant agreement with the State of Minnesota, a ground lease with Shubert Landholding LLC, a use/lease agreement with Minnesota Shubert Center for Dance and Music, Inc. or another affiliate of Artspace Projects, Inc., a master disbursement agreement with the State of Minnesota, Minnesota Shubert Center for Dance and Music, Inc. or another affiliate of Artspace Projects, Inc., and others, and such other documents as necessary to implement the project.

5. That the City Council delegates to the CPED Director the authority to approve and certify to the State of Minnesota, with copy to the City Council, the annual reports from Minnesota Shubert Center for Dance and Music, Inc. or another affiliate of Artspace Projects, Inc. pursuant to the grant agreement and the use/lease agreement, provided the CPED Director finds that a) the forecast revenues for the current fiscal year and the next three fiscal years equal or exceed the forecast expenses, and b) the facility continues to achieve the governmental program as evidence by the fact that at least half of the earned revenue is being generated by the production or presentation of dance, music and other performances and the operation of educational programs.

6. That this resolution shall be in full force and effect from and after its passage.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Approved by Mayor Rybak 10/30/2009.

**RESOLUTION 2009R-503**

**By Goodman and Ostrow**

**Amending the 2009 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Grants Other Fund (01600-8900320) by \$11,000,000.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Approved by Mayor Rybak 10/30/2009.

(Published 11/3/2009)

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution expressing support of the request for the extension and budget amendment of the Metropolitan Council Livable Communities Program Livable Communities Demonstration Account (LCDA) grant for the West Broadway Curve project.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Resolution 2009R-504, in support of the West Broadway Curve Metropolitan Council Livable Communities Act Grant Extension, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-504**

**By Goodman and Ostrow**

**In support of the West Broadway Curve Metropolitan Council Livable Communities Act Grant Extension.**

Whereas, in 2007 the City of Minneapolis received a Livable Communities Demonstration Account grant in the amount of \$1,325,000 (SG007-118) to acquire and demolish buildings on the project site associated with the redevelopment of the West Broadway Curve and to pay for certain site preparation costs and pedestrian improvements (hereinafter referred to as "the grant" and "the grant activities"); and

Whereas, the original expiration date of the 2007 Livable Communities Demonstration Account grant (SG007-118) is December 31, 2009;

Whereas, due to unforeseen changes in the housing market, particularly in North Minneapolis, and the overall effects of the national economic crisis, the City has been forced to delay the start of the redevelopment project and the City of Minneapolis is unable to complete the project activities associated with the grant by December 31, 2009; and

Whereas, the City of Minneapolis nonetheless has since January 2008, using both grant and City resources, acquired eight (8) properties in the project area and currently owns thirteen (13) of the twenty-one (21) parcels along the West Broadway Curve, with an additional seven (7) properties expected to close by the end of 2009; and

Whereas, the City of Minneapolis expects the developer of the end-use of the property being acquired, Agape Apartments project, to begin applying for project financing in late 2009 and into 2010, with a construction start in late fall of 2011 and project completion by December 31, 2012; and

Whereas, the City of Minneapolis has offered to relinquish \$694,037 of Livable Communities Demonstration Account grant funds related to site preparation activities and pedestrian improvements; and

Whereas, the City of Minneapolis is requesting that the balance of the 2007 Livable Communities Demonstration Account grant (SG007-118) be extended to December 31, 2012; and

Whereas, the Metropolitan Council has placed on its Community Development Committee agenda of November 2, 2009, consideration of the request of the City of Minneapolis for extension of the West Broadway Curve Livable Communities Demonstration Account grant and modification of the grant budget;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council expresses its full support of the requested Livable Communities Program grant extension and budget amendment for the West Broadway Curve Project, and expresses confidence that site acquisition and demolition activities will be completed by January 31, 2010, and that the West Broadway Curve Project will be substantially completed by December 31, 2012.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration environmental remediation grant applications for Fall, 2009, now recommends:

a) That the proper City officers be authorized to apply to the following agencies for projects as listed:

**Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program Requests:**

1. 129 Plymouth
2. 2600 Minnehaha Ave S
3. Florence Court Apartments
4. Linden Hills

**Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account (TBRA) Grant Requests:**

1. 1720 Madison St NE
2. Florence Court Apartments
3. Lyndale Green
4. Walker Apartments

**Hennepin County Environmental Response Fund Grant Requests:**

1. 129 Plymouth
2. 2600 Minnehaha Ave S
3. East Mills Apartments
4. Florence Court Apartments
5. Howe School
6. Linden Hills
7. Northrop School

b) Passage of the accompanying resolutions authorizing appropriate City staff to execute agreements to implement the grant programs.

c) That the applications of Whittier Cooperative for TBRA and Hennepin County grant funding be sent forward without recommendation.

Goodman moved to amend paragraph "c" of the report by deleting the language, "sent forward without recommendation" and insert in lieu thereof, "approved." Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Colvin Roy.

The report, as amended, was adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Resolution 2009R-505, authorizing applications to the Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program for the 129 Plymouth, 2600 Minnehaha Ave S, Florence Court Apartments and Linden Hills projects, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-505**  
**By Goodman and Ostrow**

**Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for various projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in contamination cleanup and/or investigation applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by November 2, 2009, subject to final staff verification of each such application's compliance with the DEED grant program's purposes and criteria: 129 Plymouth, 2600 Minnehaha Ave. S., Florence Court Apartments, and Linden Hills; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Cleanup and Investigation Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Resolution 2009R-506, authorizing applications to the Metropolitan Council Tax Base Revitalization Account for the 1720 Madison St NE, Florence Court Apartments, Lyndale Green, Walker Apartments and Whittier Cooperative projects was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-506**

**By Goodman and Ostrow**

**Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects.**

Whereas, the City of Minneapolis (the "City") was and is a participant in the Livable Communities Act's Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that preliminarily appear to meet the Tax Base Revitalization Account's purposes and criteria: 1720 Madison St. NE, Florence Court Apartments, Lyndale Green, Walker Apartments, and Whittier Cooperative; and

Whereas, the City intends to act as the legal sponsor for the above-referenced projects, which will be more completely described in Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on or by November 2, 2009, subject to final staff verification of each such application's compliance with the TBRA grant program's purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Resolution 2009R-507, authorizing applications to the Hennepin County Environmental Response Fund for 129 Plymouth, 2600 Minnehaha Ave S, East Mills Apartments, Florence Court Apartments, Howe School, Linden Hills, Northrop School and the Whittier Cooperative projects, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

**OCTOBER 30, 2009**

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The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-507**  
**By Goodman and Ostrow**

**Authorizing application to the Hennepin County Environmental Response Fund for various projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in Environmental Response Fund applications to be submitted to Hennepin County on or by November 2, 2009, subject to final staff verification of each such application's compliance with the ERF program's purposes and criteria: 129 Plymouth, 2600 Minnehaha Avenue S., East Mills Apartments, Florence Court Apartments, Howe School, Linden Hills, Northrop School, and Whittier Cooperative (any of these projects may opt to submit its application directly to Hennepin County, rather than through the City of Minneapolis, if doing so is authorized under the ERF program's guidelines); and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

**The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:**

**IGR** - Your Committee recommends passage of the accompanying resolution recommending Council Member Sandra Colvin Roy for appointment to the position of Director on the Board of the National League of Cities.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Approved by Mayor Rybak 10/30/2009.

(Published 11/3/2009)

Resolution 2009R-508, recommending Council Member Sandra Colvin Roy for appointment to the position of Director on the Board of the National League of Cities, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-508**  
**By Hodges, Ostrow, Hofstede, Glidden and Remington**

**Recommending Council Member Sandra Colvin Roy for appointment to the position of Director on the Board of the National League of Cities.**

Whereas, Council Member Sandra Colvin Roy has demonstrated outstanding leadership for the City of Minneapolis throughout her three terms on the City Council; and

Whereas, Council Member Colvin Roy has excelled in her role as Chair of the Transportation and Public Works Committee; and

Whereas, Council Member Colvin Roy's focus on Minneapolis' critical infrastructure needs, most notably on issues of water quality and transit, have strengthened the City's foundation for the future; and

Whereas, Council Member Colvin Roy has served as an active member of the Ways and Means, Intergovernmental Relations, Public Safety and Regulatory Services and Zoning and Planning Committees; and

Whereas, Council Member Colvin Roy has been committed to building relationships between cities large and small across Minnesota and throughout the nation, including as a member of the League of Minnesota Cities and the National League of Cities; and

Whereas, Council Member Colvin Roy has faithfully represented the City of Minneapolis as Chair of the Energy, Environment, and Natural Resources Steering Committee at the National League of Cities; and

Whereas, Council Member Colvin Roy has consistently encouraged and mentored colleagues to participate in the state and national League of Cities, generating greater peer participation through her own enthusiasm;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis enthusiastically endorses and recommends Sandra Colvin Roy's application to serve as Director on the Board of the National League of Cities.

Adopted 10/30/2009.

Absent - Lilligren, Colvin Roy.

Approved by Mayor Rybak 10/30/2009.

**The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:**

**PS&RS** - Your Committee, to whom was referred the following ordinances amending Title 14 of the Minneapolis Code of Ordinances relating to *Liquor and Beer*, clarifying that liquor service between 1:00 a.m. and 2:00 a.m. is authorized only for establishments that have obtained a permit from the Commissioner of Public Safety under Minnesota Statute Section 340A.504, subdivision 7, permitting sales after 1:00 a.m., now recommends that said ordinances be given their second reading for amendment and passage:

a. Chapter 364 relating to *Liquor Regulations*.

b. Chapter 368 relating to *Beer Regulations*.

Adopted 10/30/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-115 amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, amending Sections 364.80, 364.85, and 364.100 to clarify that liquor service between 1:00 a.m. and 2:00 a.m. is authorized only for establishments that have obtained a permit from the Commissioner of Public Safety under Minnesota Statute Section 340A.504, subdivision 7, permitting sales after 1:00 a.m., was adopted 10/30/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2009-Or-115**  
**By Samuels**  
**Intro & 1st Reading: 10/2/2009**  
**Ref to: PS&RS**  
**2nd Reading: 10/30/2009**

**Amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Regulations.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 364.80 of the above-entitled ordinance be amended to read as follows:

**364.80. Hours, days regulated.** (a) No on-sale or service of liquor, wine or beer may be made:

- (1) Between ~~2:00~~ 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
- (2) After ~~2:00~~ 1:00 a.m. on Sundays, except with a valid Sunday sales license as provided in subsection (c);
- (3) Alcohol may be served or sold until 2:00 a.m. in establishments that have obtained a permit from the commissioner of public safety under Minnesota Statute Section 340A.504 subd. 7, permitting sales after 1:00 a.m.

(b) No off-sale of liquor may be made:

- (1) On Sundays;
- (2) Before 8:00 a.m. on Monday through Saturday;
- (3) After 10:00 p.m. on Monday through Saturday;
- (4) On Thanksgiving Day;
- (5) On December 25; or
- (6) After 8:00 p.m. on December 24.

(c) Sunday sales. Establishments to which "on sale" licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants and which have facilities for serving not less than fifty (50) guests at one time, may serve intoxicating liquors between the hours of 10:00 a.m. on Sundays and ~~2:00~~ 1:00 a.m. on Mondays in conjunction with the serving of food. An establishment that has obtained a permit from the commissioner of public safety under Minnesota Statute Section 340A.504 subd. 7 may serve intoxicating liquors between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays. It is unlawful for any such establishment, directly or indirectly, to sell or serve intoxicating liquors as provided in this subsection without having first obtained a special license therefor. Application for said special license shall be made to the council in the same manner as application is made for other licenses to sell intoxicating liquor.

Section 2. That Section 364.85 of the above-entitled ordinance be amended to read as follows:

**364.85. Consumption in on-sale liquor or wine premises; hours regulated.** (a) No person, including the licensee and his or her employees and agents, shall consume liquor or beer in any on-sale liquor or wine premises between ~~2:30~~ 1:30 a.m. and 8:00 a.m.

(b) An establishment that has obtained a permit from the commissioner of public safety under Minnesota Statute Section 340A.505 subd. 7 may not allow consumption of liquor, wine or beer, including the licensee and his or her employees and agents, in any on-sale liquor, wine or beer premises between 2:30 a.m. and 8:00 a.m.

(c) During said hours, no person shall be allowed to be or remain upon or within such room, place or premises for any purpose whatever, except that the owner or licensee, his or her agents, servants or employees may remain therein for the purpose only of cleaning, preparation of meals, necessary repairs or other work therein and in connection therewith, or as guards.

(d) During said hours, beverage alcohol must be removed from all public areas of the establishment including tables and bar areas.

Section 3. That Section 364.100 of the above-entitled ordinance be amended to read as follows:

**364.100. "On sale" premises without special licenses to close certain hours.** Every room, place or premises where any liquor is permitted to be or is sold, including the cafe, restaurant or dining room operated in connection therewith, or as a part thereof, and in which such liquor is sold or served by the licensee thereof pursuant to an "on sale" license, shall be closed and kept closed to the public between the hours of ~~2:30~~ 1:30 a.m. and 5:00 a.m., unless the licensee ~~is~~ has obtained a permit from the commissioner of public safety under Minnesota Statute Section 340A.505 subd. 7 where they shall be closed and kept closed to the public between 2:30 a.m. and 5:00 a.m., unless they are the holder of a special late hours license provided for in sections 360.70, 360.75, and 360.80. During said hours, if the licensee is not the holder of a special late hours license, no person shall be allowed to be or remain upon or within such room, place or premises for any purpose whatever, except that the owner or licensee, his or her agents, servants or employees may remain therein for the purpose only of cleaning, preparation of meals, necessary repairs or other work therein and in connection therewith, or as guards.

Adopted 10/30/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-116 amending Title 14, Chapter 368 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Beer Regulations*, amending Sections 368.60, 368.65, and 368.70 to clarify that liquor service between 1:00 a.m. and 2:00 a.m. is authorized only for establishments that have obtained a permit from the Commissioner of Public Safety under Minnesota Statute Section 340A.504, subdivision 7, permitting sales after 1:00 a.m., was adopted 10/30/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2009-Or-116**  
**By Samuels**  
**Intro & 1st Reading: 10/2/2009**  
**Ref to: PS&RS**  
**2nd Reading: 10/30/2009**

**Amending Title 14, Chapter 368 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Beer Regulations.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 368.60 of the above-entitled ordinance be amended to read as follows:

**368.60. Hours Generally.** No "off-sale" beer licensee shall sell or serve, or permit to be served, sold or consumed on the premises named in the license any beer on any Sunday between the hours of 2:00 a.m. and 12:00 noon; no "on-sale" beer licensee shall sell or serve, or permit to be served, sold or consumed on the premises named in the license any beer on any Sunday between the hours of ~~2:00~~ 1:00 a.m. and 10:00 a.m.; nor any other day between the hours of ~~2:00~~ 1:00 a.m. and 8:00 a.m.

Section 2. That Chapter 368 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 368.65 to read as follows:

**368.65. 2:00 a.m. Sales Permit.** (a) An establishment that has obtained a permit from the commissioner of public safety under Minnesota Statute Section 340A.504 subd. 7 may sell or serve beer until 2:00 a.m.

(b) An establishment that has obtained a permit from the commissioner of public safety under Minnesota Statute Section 340A.504 subd. 7 must be closed and kept closed to the public between the hours of 2:30 a.m. and 8:00 a.m.

(c) During said hours, beverage alcohol must be removed from all public areas of the establishment including tables and bar areas.

Section 3. That Section 368.70 of the above-entitled ordinance be amended to read as follows:

**368.70. Premises without special license to close certain hours.** Every room, place or premises wherein beer is permitted to be or is sold, including the cafe, restaurant or dining room operated in connection therewith or as a part thereof, and in which such beer is sold or served by the

licensee thereof pursuant to an "on sale" or "off sale" license, shall be closed and kept closed to the public between the hours of ~~2:30~~ 1:30 a.m. and 5:00 a.m. unless the licensee is the holder of a permit from the commissioner of public safety under Minnesota Statute Section 340A.504 subd. 7 and must be closed and kept closed to the public between the hours of 2:30 a.m. and 5:00 a.m., or a special late hours license provided for in sections 360.70, 360.75, and 360.80. During said hours, if the licensee is not the holder of a special late hours license, no person or persons shall be allowed to be or remain upon or within such room, place or premises for any purpose whatever, except that the owner or licensee, his or her agents, servants or employees may remain therein for the purpose only of cleaning, preparation of meals, necessary repairs or other work therein and in connection therewith, or as guards.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Walgreens, 621 W Broadway.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-509, approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Walgreens, 621 W Broadway, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-509**

**By Samuels**

**Approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Walgreens, 621 W Broadway.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Walgreens, 621 W Broadway:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

3. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.

4. The owner shall comply with the Surveillance Camera Ordinance.

5. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

6. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Dollar Shop, 619 W Broadway.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-510, approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Dollar Shop, 619 W Broadway, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-510**  
**By Samuels**

**Approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Dollar Shop, 619 W Broadway.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Dollar Shop, 619 W Broadway:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.

5. The owner shall comply with the Surveillance Camera Ordinance.

6. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Handy Stop, 700 Lowry Av NE.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-511, approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Handy Stop, 700 Lowry Av NE, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-511**

**By Samuels**

**Approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Handy Stop, 700 Lowry Av NE.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Handy Stop, 700 Lowry Av NE:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.

5. The owner shall comply with the Surveillance Camera Ordinance.

6. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery, Tobacco and Ice Producer-Dealer/Wholesale Licenses held by One Stop, 1604 W Broadway).

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-512, approving Business License Operating Conditions relating to the Grocery, Tobacco and Ice Producer-Dealer/Wholesale Licenses held by One Stop, 1604 W Broadway, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-512**

**By Samuels**

**Approving Business License Operating Conditions relating to the Grocery, Tobacco and Ice Producer-Dealer/Wholesale Licenses held by One Stop, 1604 W Broadway.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery, Tobacco and Ice Producer-Dealer/Wholesale Licenses held by One Stop, 1604 W Broadway:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.

5. The owner shall comply with the Surveillance Camera Ordinance.

6. The business agrees to clean the property, and all areas within 100 feet of the property line, or litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of J J Grocery, 3201 Cedar Av, for a Grocery License and approving Business License Operating Conditions.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-513, granting the application of J J Grocery, 3201 Cedar Av, for a Grocery License and approving Business License Operating Conditions, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-513**

**By Samuels**

**Granting the application of J J Grocery, 3201 Cedar Av, for a Grocery License and approving Business License Operating Conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by J J Grocery, dba J J Grocery, 3201 Cedar Av, for a Grocery License (new proprietor) to expire April 1, 2010, subject to the following conditions:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business will have a minimum of two staff employees working from 3:00 p.m. until the close of business each day to ensure monitoring of the exterior and to reduce negative behaviors.

3. The business agrees not to sell single cigars or single cigarettes.

4. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, scales, paper rolling devices, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

5. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

6. Window signs shall be limited to the requirements of Minneapolis Ordinance 543.350.

7. The owner shall comply with the Surveillance Camera Ordinance.

8. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls or other fixtures of the property.

9. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

10. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

11. The business will have maximum operating hours as follows: Sunday through Thursday, 7:00 a.m. to 10:00 p.m. Friday and Saturday, 7:00 a.m. to 11:00 p.m.

12. The business will stock a variety of common staple food items as is required by Minneapolis Code of Ordinances Chapter 203. Food items shall be removed from stock when the printed shelf life date has expired.

13. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by La Vina Restaurant and Banquet Center, 3010 4th Av S.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-514, approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by La Vina Restaurant and Banquet Center, 3010 4th Av S, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-514**

**By Samuels**

**Approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by La Vina Restaurant and Banquet Center, 3010 4th Av S.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by La Vina Restaurant and Banquet Center, 3010 4th Av S:

1. Must operate the banquet portion as a banquet facility as defined by Section 360.10 of the Minneapolis Code of Ordinances, "An establishment which is under the control of a single proprietor or manager which has suitable facilities for serving meals on premises where the meal service consists of no less than one entrée, complete with vegetable, salad, bread or rolls, and beverage, whether catered or prepared on-site; which has facilities for seating not fewer than 50 guests at one time at tables; which is not open to the general public but which for rental by individuals or groups for meetings, parties weddings or similar occasions; and in which the equipment and premises meet the provisions of all food and health codes."

2. Must provide rental agreements for the banquet facility upon request of the Business Licensing staff.
  3. If any operational change takes place, the business plan on file will need to be amended, and the change approved by the City of Minneapolis prior to any change taking place.
  4. Strict compliance with all City of Minneapolis, State of Minnesota and Federal laws.
  5. Full menu food service will be available during all hours of operation.
  6. All 100 parking stalls located at 400 E Lake St reserved for valet service must be marked for La Vina. This service must remain free of charge.
  7. The total occupancy load for the building will be divided so one quarter of determined occupancy as for the front restaurant and three quarters of occupancy as for banquet center.
  8. Report the 70/30 food to alcohol ratio each year with license renewal.
  9. Rental fees and merchandise charges must be listed separately from food to alcohol sales.
  10. La Vina will not contract with promoters or allow promoters to rent the banquet center.
  11. No ticket sales will occur at the door; only guests that are invited to the event/celebration may attend.
  12. Comply with all the City Noise Ordinances, Section 360 of the Minneapolis Code of Ordinances.
  13. Hours of operation shall be to 1:00 a.m. each day. 2:00 a.m. is permitted with a State 2:00 a.m. permit. All patrons must leave by 2:30 a.m. with a State permit.
  14. Maintain the security plan submitted to the City in August 2007.
  15. The banquet center cannot be rented out as a theater. Non-profit events will be allowed.
  16. Maria Cumbe Paucar cannot hold a position of management or make decisions regarding the operation of La Vina Restaurant and Banquet Center. She will not be involved in any alcohol service or sales.
  17. Compliance with all provisions of applicable codes and ordinances.
- Adopted 10/30/2009.  
Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.  
Adopted 10/30/2009.  
Absent - Colvin Roy.

Resolution 2009R-515, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-515**  
**By Samuels**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273847):

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2010**

Radisson Minneapolis Corporation, dba Radisson Plaza Hotel Minneapolis, 35 S 7th St (new manager)

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2010**

80 S 8th St Hotel Operations Inc, dba Windows on Minnesota, 701 Nicollet Mall, 50th floor

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2010**

Restaurants Unlimited Inc, dba Walker Room, 825 Hennepin Av (new corporate officer)

LM-Minneapolis Inc, dba Comfort Suites-Minneapolis Downtown, 425 S 7th St

**On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2010**

Food Group Holdings LLC, dba Zeno Cafe, 2919 Hennepin Av (permanent expansion of premises)

**On-Sale Liquor Class E with Sunday Sales, to expire December 31, 2009**

1312 W Lake St LLC, dba Cowboy Slims, 1320 W Lake St (temporary expansion of premises and temporary outdoor entertainment, December 31, 2009, 4:00 p.m. to 2:00 a.m., New Year's Eve Celebration)

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2009**

Restaurants Unlimited Inc, dba Palomino, 825 Hennepin Av (new corporate officer)

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2010**

Applebees Restaurant North LLC, dba Applebees Neighborhood Grill & Bar, 600 Hennepin Av #220

Applebees Restaurant North LLC, dba Applebees Neighborhood Grill & Bar, 615 Washington Av SE (new corporate officer)

Graves Hospitality Corp, dba Downtown Residence Inn, 45 S 8th St

Midtown Exchange Hotel LLC, dba Sheraton Restaurant, 2901 Chicago Av

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2010**

Cocina Latina Inc, dba Cocina Latina, 3764 Nicollet Av (new ownership from Taqueria Don Blass Inc)

Be'Wiched Deli Inc, dba Be'Wiched Deli, 800 Washington Av N #101

**Off-Sale Beer, to expire April 1, 2010**

Rod Petroleum Inc, dba Broadway Winner, 626 W Broadway (new business).

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-516, granting applications for Business Licenses, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-516**

**By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 30, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273847):

Place of Amusement Class B-1; Car Wash; Christmas Tree; Laundry; Fire Extinguisher Servicing Class A; Caterers; Farm Product Permits; Grocery; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Precious Metal Dealer; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Skating Rink - Ice, Roller; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer Establishment; Taxicab Limited; Taxicab Vehicle; Theater Zone I; Theater Zone III.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-517, granting applications for Gambling Licenses, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-517**  
**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 273847):

**Gambling Class B**

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Brass Rail, 422 Hennepin Av)

**Gambling Exempt**

Hope Chest for Breast Cancer, dba Hope Chest for Breast Cancer, 3850 S Shoreline Dr, Wayzata (Raffle November 15, 2009, Minneapolis Convention Center)

Hope Chest for Breast Cancer, dba Hope Chest for Breast Cancer, 3850 S Shoreline Dr, Wayzata (Raffle October 23, 2009, McNamara Alumni Center, University of Minnesota).

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Restaurant License held by New China Wok, 5033 France Av S.

Samuels moved to amend the Resolution by changing the payment schedule in Section #1 to read as follows:

~~The \$4,400 in unpaid administrative citations be paid on a payment schedule as follows:~~

~~\$1,500 paid on or before October 15, 2009; \$1,500 paid on or before November 15, 2009; and \$1,400 paid on or before December 15, 2009.~~

The amount of \$4,400 in unpaid administrative citations shall be paid on a payment schedule as follows:

\$500 paid on or before October 15, 2009; and pay \$500 on the 15th of every month until May 15, 2010. The final payment of \$400 will be paid on or before June 15, 2010. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-518, approving License Settlement Conference recommendations relating to the Restaurant License held by New China Wok, 5033 France Av S, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-518**  
**By Samuels**

**Approving License Settlement Conference recommendations relating to the Restaurant License held by New China Wok, 5033 France Av S.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 21, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded New China Wok failed to maintain a food safety management system to prevent public health risk factors and to keep the restaurant kitchen in clean and sanitary conditions in compliance with applicable provisions of Chapters 186 and 188 of the Minneapolis Code of Ordinances; and failed to timely pay administrative citations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. The Environmental Health Division issued \$8,800 in administrative citations. \$4,400 of these administrative citations is stayed pending no further violations of Chapter 186 and 188 of the Environmental Health Codes for a period of one year of this agreement. New China Wok understands that further violations may result in adverse license action.

The amount of \$4,400 in unpaid administrative citations shall be paid on a payment schedule as follows:

\$500 paid on or before October 15, 2009; and pay \$500 on the 15th of every month until May 15, 2010. The final payment of \$400 will be paid on or before June 15, 2010.

2. New China Wok agrees to abide by the following Business License Conditions:

a. New China Wok must implement a food protection system and monitor food safety. Materials have been provided by the City to assist in this matter. The licensee will enroll and participate fully in the self-audit program. Licensee must train all employees in food safety and provide documentation at the request of the City. The licensee will ensure all employees attend monthly community food safety training meeting offered by the City.

b. New China Wok agree to quarterly food safety inspections held by City of Minneapolis Environmental Health Division, and pay a fee of \$100 per inspection to Environmental Health Division. At the end of one year the City will assess the need to continue quarterly inspections. All repeated violations will result in adverse license action or administrative citations.

c. The owner of New China Wok shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of operation.

d. Based on the risks of food borne illness inherent to the food operation, during inspections and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of food borne disease prevention.

e. The person in charge shall ensure that:

1. Employees and other persons, including delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and ware washing areas comply with the Code.

2. Employees effectively clean their hands by routinely monitoring the employees' hand washing.

3. Employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.

4. Employees properly cook potentially hazardous food, being particularly careful in cooking those foods known to cause severe food borne illness and death, including eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures.

5. Employees use proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours through daily oversight of the employees' routine monitoring of food temperatures during cooling.

6. Employees properly sanitize cleaned multi-use equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH level, temperature, and exposure time for chemical sanitizing.

7. Employees implement and maintain food safety standards in the facility.

f. When using time as a public health control, while working with potentially hazardous foods prior to cooking, or for ready-to-eat potentially hazardous foods that are displayed or held for immediate consumption may be used only if:

1. The food is marked or otherwise identified with the time within which it shall be cooked, served, or discarded.

2. When the food that is provided for service and consumption is removed from temperature control, the food:

a. Is served or discarded within four hours.

b. Is not removed from time control and returned for use at a later time.

3. Food in unmarked containers or packages, or for which the time expires, is discarded.

4. Written procedures are maintained in the food establishment and made available to the regulatory authority upon request, to ensure compliance with:

a. Items A to C; and

b. Part 4626.0385 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

Subp. 2. Notification. The food establishment must submit written notification to the regulatory authority of its intention to use the procedures provided under this part prior to implementing the provisions of this part.

g. Cleaning shall be done as follows:

1. The entire facility must be cleaned by October 5, 2009; including all walls, floors, ceilings, equipments, and under all equipment, furniture, dining areas, restrooms, store rooms and installations. All unused equipment and other items must be removed.

2. The physical facilities shall be cleaned as often as necessary to keep them clean. Repairs need to be made to floors, walls and ceilings. A screen door must be installed on the back entrance.

3. Cleaning shall be done after closing or during other periods when the least amount of food is exposed.

h. The ventilation system shall be monitored as follows:

1. Intake and exhaust air ducts shall be properly cleaned by a licensed service company and filters changed so they are not a source of contamination by dust, dirt, and other materials. Licensee will keep the payment invoice that is to be made available upon request to the Environmental Health Division to prove this condition has been met.

2. Ventilation systems shall not create a public health hazard or nuisance or unlawful discharge.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee, having under consideration the Rental Dwelling License for the property located at 3649 Logan Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Dean R. Meier.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee, having under consideration the Rental Dwelling License held by Robert Cooch for the property located at 1543 E 33rd St, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances for not

allowing the required inspection of units, and not submitting a current rental license application, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee, having under consideration the Rental Dwelling License held by Daniel Perfetti for the property located at 3643 Dupont Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances relating to delinquent assessments on the rental property, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee, having under consideration the Rental Dwelling License held by Ben Dossman IV for the property located at 5134 Logan Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances relating to delinquent assessments on the rental property, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** – Your Committee, having under consideration the property located at 2724 17th Av S, and the Director of Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, now recommends concurrence with the determination of the Director of Inspections and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** – Your Committee, having under consideration the property located at 1111 28th Av NE which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld to demolish the structure located at 1111 28th Av NE, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Ostrow moved that the report be referred to the Nuisance Condition Process Review Panel to review the property owner's rehabilitation plan and to make findings and recommendations to the City Council as to whether or not the rehabilitation plan is adequate to abate the nuisance. Seconded.

Adopted upon a voice vote 10/30/2009.

Absent - Colvin Roy.

**PS&RS** – Your Committee, having under consideration the property located at 1304 42nd Av N; 4201 Fremont Av N; and 4203 Fremont Av N which have been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld to demolish the structures located at 1304 42nd Av N; 4201 Fremont Av N; and 4203 Fremont Av N, in accordance with the Findings of Fact,

Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** – Your Committee, having under consideration the property located at 2536 Polk St NE; and the Inspections Division having determined that the property meets the definition of a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends that the Order for Demolition be stayed, and that the proper City officers be authorized to execute a Restoration Agreement with the property owner, with the condition that the owner provide a six-month performance bond.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving the Development of an Emergency Preparedness and Response Plans.

Glidden moved to amend the Resolution by referring the Continuity of Operations Plan, dated October 30, 2009, and the associated policy documents, to the Citywide Labor Management Committee to be reviewed for understanding, interpretation issues, and implementation. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-519, approving the Development of an Emergency Preparedness and Response Plans, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2009R-519**

**By Samuels**

#### **Approving the Development of an Emergency Preparedness and Response Plans.**

Whereas, natural and technological emergencies and disasters have and may occur which impact the citizens, operations, infrastructure and workforce of the City of Minneapolis; and

Whereas, statewide, national and international events, such as conflict or threats of terrorism, natural disasters, large special events and threats to public health can increase the need for emergency preparedness within the City; and

Whereas, Minnesota Statutes section 12.25, subd. 1 (2007) requires each political subdivision to establish a local organization for issues related to emergency preparedness and response; and

Whereas, in accordance with these requirements the City, pursuant to M.C.O. Chapter 128, has established the Office of Emergency Preparedness and Management ("OEPM") under the supervision of the Mayor; and

Whereas, pursuant to M.C.O. Section 128.30, the Mayor has assigned the operational duties of the OEPM to the Assistant City Coordinator of Regulatory Services and Emergency Preparedness; and

Whereas, City Council departments may be called upon to respond to and/or assist in the recovery from the effects of these events or disasters; and

Whereas, the City's response and recovery efforts may extend to the City's workforce, facilities, infrastructure and services; and

Whereas, the Assistant City Coordinator of Regulatory Services and Emergency Preparedness is required by M.C.O. 128.20 to prepare a comprehensive general emergency management plan for the

defense of the city, and for relief from any emergency, and to present that plan to the council for its approval; and

Whereas, once the City Council has approved the plan by resolution, all City departments and agencies and all emergency preparedness and management forces of the city shall perform the duties and functions assigned by the plan: and

Whereas, a Continuity of Operations Plan ("COOP") would provide a framework for facilitating the performance of essential functions during all-hazards emergencies or other situations that may disrupt normal operations; and

Whereas; the goal of continuity planning is to reduce the consequences of disruptive events to a manageable level; and

Whereas, by performing the essential functions through a catastrophic or other emergency, the City of Minneapolis may support the efforts of other local, State or Federal governments, maintain continuity of government authority under the Minneapolis City Charter and other applicable law and ensure that essential services are provided to the City's population;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council approves the following comprehensive general emergency management plan for the city:

1. Emergency Response Contacts. Each City department included in this Resolution shall designate a member of its staff (and two alternates) as its emergency preparedness response contact/coordinator ('EPRC/C'). Such individual(s) shall serve as the point of contact for the Office of Emergency Preparedness and Management and other City departments with regard to continuity of operations, emergency preparedness and response issues, and shall represent that department on the Minneapolis Emergency Preparedness and Response Committee ('MPRC'). Contacts designated hereunder should be coordinated so as to be able to provide simultaneous support to the Emergency Operations Center, a Continuity Operations Center and to departmental response and recovery operations.

2. Minneapolis Emergency Preparedness Committee. The MPRC shall be chaired by the Assistant City Coordinator for Emergency Preparedness and Regulatory Services or his or her designee and shall coordinate City-wide emergency management and continuity of operations activities including mitigation, preparedness, response, recovery, testing, training and education.

3. Plan Support. Each City department and agency (hereinafter "department") shall carry out the general emergency preparedness, planning, response, recovery, hazard mitigation and continuity of operations responsibilities described in this Resolution, the specific emergency assignments contained in the Minneapolis Emergency Operations Plan and the All-Hazard Continuity of Operations Plan, hereinafter referred to as "the Plans" and such other duties as may be requested by the Office of Emergency Preparedness and Management. The head of each department shall be accountable for the execution of the responsibilities described in this Resolution.

**I. Emergency Preparedness/Planning**

A. Coordination: The Office of Emergency Preparedness and Management shall have overall responsibility for coordinating the development and maintenance of the Plans and shall provide departments with necessary planning guidance and parameters. The Assistant City Coordinator for Emergency Preparedness and Regulatory Services, or his or her designee, is authorized to distribute the Plans as needed, to review and approve department level continuity of operation plans, and to develop and implement internal plans, procedures, training, testing and plan maintenance required to support the Plans.

B. Emergency Operations Plan. Each department shall develop and update, as necessary, functional or other components of the City Emergency Operations Plan for which it is responsible.

C. Departmental Plans. The Continuity of Operations Plan dated October 30, 2009 is hereby approved and adopted and supersedes any previous Continuity of Operations Plan. The Continuity of Operations Plan, dated October 30, 2009, and the associated policy documents, are hereby referred to the Citywide Labor Management Committee to be reviewed for understanding, interpretation issues, and implementation. Each department shall develop and update, as necessary, its own emergency plan/procedures, including a continuity of operations plan ("COOP"), pursuant to City guidance and parameters. Departments have the option of

maintaining a copy of their COOP plan at either their own secure offsite location or at one or more sites offered by the Office of Emergency Preparedness and Management.

Each department's COOP plan/procedures must provide for:

1. Execution of the emergency responsibilities that are assigned to the agency in this Resolution, and are elaborated upon in the Plans; and
2. Continuity of government for sustaining time-sensitive operations and staffing, at a minimum developing and maintaining a written continuity of operations plan consistent with the Plans providing for:
  - a. Identifying and prioritizing essential functions;
  - b. Establishing, promulgating and maintaining orders of succession for key positions;
  - c. Delegating authorities for making policy determinations and other decisions at the field, satellite and other organizational levels, as appropriate;
  - d. Identifying continuity facilities, alternate uses for existing facilities, and as appropriate, virtual office options including telework;
  - e. Identifying available and redundant critical communications and information technology to support connectivity among internal and external stakeholders;
  - f. Identifying, protecting and assuring availability of electronic and hardcopy documents, references, records, information systems and data management software and equipment to support essential functions in a continuity situation;
  - g. Identifying and assigning continuity personnel to perform assigned response, and planning for workforce response to a continuity situation including situations which impact the workforce directly, such as a pandemic;
  - h. Implementing an effective training, testing and exercise program;
  - i. Identifying the need for transfer of legal authority and responsibility from the department's primary operating staff and facilities to other organizational staff and facilities, and to sustain that operational capability for an extended time; and
  - j. Providing for the reconstitution of normal operations by existing or replacement personnel at the original or replacement primary operating facility.
3. Commitment of resources for the development and maintenance of an agency all-hazard plan, including a continuity of operations plan.

On an annual basis, each department shall notify the Office of Emergency Preparedness and Management of the location of, and date of the most recent revision to, their COOP plan.

## **II. Emergency Response**

A. National Incident Management System. All departments responding to a disaster/emergency, whether external or internal, shall use the National Incident Management System (NIMS) or its approved local equivalent. In the event of a disaster/emergency resulting in a multiple department response, a unified command structure shall be established. If, due to the nature of an incident, a single department has a larger/primary role in the response to that incident, that agency may be referred to as the "lead department."

B. Response Coordination. The Office of Emergency Preparedness and Management shall have the coordinating role in a multiple department response to a disaster/emergency. Such coordinating role will include, but is not limited to, the reassignment of City personnel across departmental lines, in the event of an incident which would significantly impact availability of the City's workforce such as a pandemic. All departments shall support this coordinated multi-departmental response and carry out their specific assignments, as described in the Plans.

C. Response Support. All departments shall be responsible for assigning necessary personnel to report to the operations center(s) and information hotline, if such are activated, in accord with the Plans. The responding personnel shall be prepared to direct the activities of their agency's response personnel, and shall carry out the emergency responsibilities assigned to their agency in this Resolution/Order and elaborated upon in the Plans.

## **III. Recovery/Hazard Mitigation**

A. Mitigation. Each department that has a role in emergency management shall participate in the development of hazard mitigation strategies to reduce or eliminate the vulnerability of life and property to the effects of disasters.

B. Damage Assessment. Departments shall, when requested by the Office of Emergency Preparedness and Management, provide appropriate personnel to assist with any required or recommended damage assessment activities.

C. Recovery. Departments shall, when requested by the Office of Emergency Preparedness and Management, be prepared to commit and combine resources toward the long-term recovery/mitigation effort.

D. Staffing. Departments shall, when requested by the Office of Emergency Preparedness and Management, provide necessary personnel to staff recovery efforts.

#### **IV. Training, Testing and Exercises**

A. Coordination. The Office of Emergency Preparedness and Management shall coordinate City-wide training, testing and exercises necessary to support the development of the Plans and to maintain their level of readiness. Such training, testing and exercises may include cooperation with other jurisdictions, the private and non-profit sectors.

B. Implementation. Departments shall cooperate with the Office of Emergency Preparedness and Management in the implementation of any recommended training, testing and exercises.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS** - Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 273850):

Levy 1080 - Removal of Offensive Matter (rubbish), payable in one year - \$516,824.02

Levy 1081 - Removal of Offensive Matter (weeds), payable in one year - \$316,155.50

Levy 1084 - Removal of Offensive Matter (hazardous trees), payable in five years - \$55,930.45

Levy 1085 - Removal of Offensive Matter (brush and plant growth), payable in one year - \$104,269.25

Levy 1086 - Inoperable Vehicle Tow Administrative Fees, payable in one year - \$6,000

Levy 1089 - Unpaid Administrative Citations Hsg, payable in one year - \$1,621,935

Levy 1090 - Unpaid Administrative Citations - Lead, payable in one year - \$6,160

Levy 1092 - Emergency demolition of property, payable in one year - \$129,901.74

Levy 1095 - Building Demolition, payable in one year - \$1,256,849.49

Levy 1096 - Vacant/Boarded Housing Registrations, payable in one year - \$3,420,440

Levy 1097 - Reinspection Fee, payable in one year - \$262,860

Levy 1098 - Securing of Buildings (Police Board Up), payable in one year - \$348,850

Levy 1099 - Securing Abandoned Buildings, payable in one year - \$128,506

Levy 01088 - Tenant Remedy Act, payable in one year - \$150,365.13

Levy 1103 - CDBG Demo, payable in one year - \$188,941.97

Levy 1104 - CDBG Demo, payable in five years - \$31,159.91

Levy 1120 - Sewer Overflow, payable in one year - \$99,825

Levy 1124 - Unpaid Administrative Citations - Environmental, payable in one year - \$18,480

Levy 1162 - Unpaid Administrative Citations - Nuisance Hsg, payable in one year - \$55,770.

Your Committee further recommends that the Department of Regulatory Services be authorized to continue receiving pre-payments until December 1, 2009, as allowable by law, at which point the final levy list will be sent to the Director of the Hennepin County Property Taxation Department.

Your Committee further recommends passage of the accompanying Resolutions directing the Director of the Hennepin County Taxation Department to:

a. place assessments against certain properties to defray the cost of abating nuisance conditions (Levies 1080, 1081, 1084, 1085 and 1086).

b. place assessments against certain properties to defray the cost of unpaid administrative citations and civil fines (Levy 1089).

c. place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines (Levy 1090).

d. place assessments against certain properties to defray the cost for building demolition properties (Levy 1092).

- e. place assessments against certain properties to defray the cost for building demolition properties (Levy 1095).
  - f. place assessments against certain properties to defray the cost for registering vacant properties (Levy 1096).
  - g. place assessments against certain properties to defray the cost relating to reinspection fees (Levy 1097).
  - h. place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action (Levy 1098).
  - i. place assessments against certain properties to defray the costs of itemized maintenance repairs and other required building costs (Levy 01088).
  - j. place assessments against certain properties to defray the cost of securing abandoned buildings (Levy 1099).
  - k. place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines (Levy 1103).
  - l. place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines (Levy 1104).
  - m. place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines (Levy 1120).
  - n. place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines (Levy 1124).
  - o. assessments against certain properties to defray the cost for unpaid administrative citations and civil fines (Levy 1162).
- Adopted 10/30/2009.  
Absent - Colvin Roy.

Resolution 2009R-520, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-520**  
**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.**

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred in the removal of offensive matter are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (Weed Removal), 1084 (Offensive Tree Removal), 1085 (Shrub, Brush Removal), and 1086 (Inoperable Vehicle Tow Administrative Fees) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081, 1085, and 1086 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 273850 on file at the office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-521, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-521**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1089 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-522, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-522**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1090 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-523, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-523**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 87.100 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 87 provides that the cost of building demolition property as defined by Chapter 87.110 shall be levied and collected as a special assessment against the property as provided for in Chapter 87 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-524, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-524**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of building demolition property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1095 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-525, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-525**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of registering a vacant property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for registering vacant properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1096 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-526, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244 Section 190 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-526**  
**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244 Section 190 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 244.190 that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Chapter 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Chapter 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101 sub. Sec.(9) of Minnesota State Statutes when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1097 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

OCTOBER 30, 2009

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Resolution 2009R-527, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-527**  
**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis is empowered to secure uninhabitable or unoccupied buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Chief of Police did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing unoccupied or uninhabitable buildings open to trespass under the authority of the Chief of Police are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1098 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-528, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the costs of itemized maintenance repairs and other required building costs approved pursuant to Minnesota Statutes Section 504B395-471, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-528**  
**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the costs of itemized maintenance repairs and other required building costs approved pursuant to Minnesota Statutes Section 504B395-471.**

Whereas, the City Council of the City of Minneapolis is empowered to allow a court appointed administrator to petition the court for an order to receive municipal funds to make the repairs in accordance with Chapter 2 of the Minneapolis Code of Ordinances;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of itemized maintenance repairs and other required building costs are hereby approved and that such costs are assessed against the properties.

Be it Further Resolved that Levy Number 01088 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-529, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-529**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-530, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

OCTOBER 30, 2009

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The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-530**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1103 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-531, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-531**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1104 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in five annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-532, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-532**  
**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1120 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-533, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

OCTOBER 30, 2009

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The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-533**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1124 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-534, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-534**

**By Samuels**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1162 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 273850 on file at the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

**The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of low bid received on OP #7197 submitted by Doboszinski and Sons, Inc, in the amount of \$80,316, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition of six structures for the Department of Regulatory Services, all in accordance with City specifications. Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of low bid received on OP #7198 submitted by Buberl Recycling and Composting, in the amount of \$89,755, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition of seven structures for the Department of Regulatory Services, all in accordance with City specifications. Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted 10/30/2009.

Absent - Colvin Roy.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept an Emergency Management Performance Grant (EMPG), in the amount of \$30,000, from the State of Minnesota to provide funds to offset the salaries of Regulatory Services existing Emergency Preparedness staff. Further, passage of the accompanying resolution appropriating \$30,000 to the Department of Regulatory Services.

Adopted 10/30/2009.

Absent - Colvin Roy.

**RESOLUTION 2009R-535  
By Samuels and Ostrow**

**Amending The 2009 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8352000) by \$30,000 and increasing the revenue estimate for the Department of Regulatory Services (01300-8352000) by \$30,000.

Adopted 10/30/2009.

Absent - Colvin Roy.

**The TRANSPORTATION & PUBLIC WORKS Committee submitted the following report:**

**T&PW** - Your Committee, having under consideration the Uptown, Dinkytown, Central Ave, Nicollet Ave S, Stadium Village, S Hennepin Ave, 48th St E and Chicago Ave S, 43rd St W and Upton Ave S (Linden Hills), and Hennepin Theatre District Special Service Districts, and having held a public hearing

thereon, now recommends passage of the accompanying resolution approving special services, the cost estimates, service charges, and the lists of service charges for 2010, and directing the City Engineer to proceed with the work.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-536, approving special services, the cost estimates, service charges, the lists of service charges for 2010 in the Uptown, Dinkytown, Central Ave, Nicollet Ave S, Stadium Village, S Hennepin Ave, 48th St E and Chicago Ave S, 43rd St W and Upton Ave S, and Hennepin Theatre District Special Service Districts, and directing the City Engineer to proceed with the work, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-536**

**By Colvin Roy**

**Approving special services, the cost estimates, service charges, the lists of service charges for 2010 in the Uptown, Dinkytown, Central Ave, Nicollet Ave S, Stadium Village, S Hennepin Ave, 48th St E and Chicago Ave S, 43rd St W and Upton Ave S, and Hennepin Theatre District Special Service Districts, and directing the City Engineer to proceed with the work.**

Whereas, public hearings were held on October 20, 2009 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28, Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44 and Chapters 438, 444, 446, 450, 452, 454, and 457 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges and the proposed lists of service charges as more particularly described in Petn No 273862 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$242,050 for 2010 and the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$328,810 (amount remaining after adjusting the cost estimate of \$242,050 for previous years' unexpended balances and additional costs as provided for in Section 438.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Uptown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$74,000 for 2010 and the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$89,260 (amount remaining after adjusting the cost estimate of \$74,000 for previous years' unexpended balances and additional costs as provided for in Section 444.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Dinkytown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$98,600 for 2010 and the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$88,971 (amount remaining after adjusting the cost estimate of \$98,600 for previous years' unexpended balances and additional costs as provided for in Section 446.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Central Avenue Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$85,000 for 2010 and the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$95,661 (amount remaining after adjusting the cost estimate of \$85,000 for previous years' unexpended balances and additional costs as provided for in Section 448.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Nicollet Avenue South Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$78,500 for 2010 and the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$50,832 (amount remaining after adjusting the cost estimate of \$78,500 for previous years' unexpended balances and additional costs as provided for in Section 450.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Stadium Village Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$104,750 for 2010 and that the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$81,963 (amount remaining after adjusting the cost estimate of \$104,750 for previous years' unexpended balances and additional costs as provided for in Section 454.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the South Hennepin Avenue Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$19,500 for 2010 and that the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$3,922 (amount remaining after adjusting the cost estimate of \$19,500 for previous years' unexpended balances and additional costs as provided for in Section 457.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the 48th Street East and Chicago Avenue South Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$9,000 for 2010 and that the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$9,347 (amount remaining after adjusting the cost estimate of \$9,000 for previous years' unexpended balances and additional costs as provided for in Section 452.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the 43rd Street West and Upton Avenue South Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$10 for 2010 and that the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$31,166 (amount remaining after adjusting the cost estimate of \$10 for previous years' unexpended balances and additional costs as provided for in Section 458.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Hennepin Theatre District Special Service District.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2010 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted 10/30/2009.

Absent - Colvin Roy.

**The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**T&PW & W&M/Budget** - Your Committee, to whom was referred the subject matter of an expansion of the City's Labor Peace Resolution and the current responsible bidder policy, now recommends that the Permanent Review Committee (PRC) be designated as the working group to study the matter.

Adopted 10/30/2009.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Cedar Lake Trail extension from Royalston Ave to W River Pkwy, now recommends passage of the accompanying resolution authorizing the use of eminent domain proceeding to acquire easements for Cedar Lake Trail, Phase III.

Adopted 10/30/2009.

Absent - Colvin Roy.

Resolution 2009R-537, authorizing use of eminent domain proceeding to acquire easements for Cedar Lake Trail - Phase III, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-537**  
**By Colvin Roy and Ostrow**

**Authorizing use of eminent domain proceeding to acquire easements for Cedar Lake Trail - Phase III.**

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995; and

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents; and

Whereas, in a Council Action on December 17, 1999, the City Council authorized the City to enter into two easements for the Cedar Lake Bike Trail Phase III; and

Whereas, in a Council Action on March 2, 2001, the City Council authorized the Director of Public Works to develop a temporary bike route plan for Cedar Lake Trail Phase III due to construction delays caused by other projects in the area; and

Whereas, in 2001, the City Council adopted Resolution 2001R-147, Amending the 2001 Capital Improvement Appropriation Resolution, which included an increase to the budget for the Cedar Lake Bike Trail of \$300,000 with the revenue source being the settlement from the Federal Reserve Bank Project Tax Increment Financing District for the off-site public improvements; and

Whereas, in a Council Action on August 24, 2001, the City Council authorized the proper City officers to apply for a series of federal funds (TEA-21) including \$2,160,000 for Cedar Lake Bike Trail Phase III; and

Whereas, in a Council Action on September 28, 2001, the City Council authorized the expenditure of \$40,000 from the Commuter Bike Fund System (4100-943-9470-Project A7002990) for a temporary bike lanes alignment for the Cedar Lake Trail Phase III; and

Whereas, in 2004, the City Council adopted Resolution 2004R-580, approving the 2005-2009 Five Year Capital Budget, which included an appropriation of \$2,160,000 for the Cedar Lake Trail Phase III Project with the revenue source being the Federal Government; and

Whereas, in 2005, the City Council adopted Resolution 2005R-075, Supporting the Completion of the Cedar Lake Bike Trail to the Mississippi River; and

Whereas, in 2005, the City Council adopted Resolution 2005R-661, Requesting the issuance and sale of bonds including the Cedar Lake Bike Phase 3 Project; and

Whereas, in 2005, the City Council adopted Resolution 2005R-658, 2006-2010 Five Year Capital Budget which included an appropriation of \$583,000 for the Cedar Lake Bike Phase 3 Project with the revenue source being Net Debt Bonds; and

Whereas, on November 17, 2006, the City Council authorized execution of Metropolitan Council Grant Agreement No SG-2006-145 in the amount of \$1,800,000 for the Cedar Lake Trail Phase III Project; and

Whereas, in 2006, the City Council adopted Resolution 2006R-584, Appropriation Increase to PW-Fund (0600-943-9480) by \$1,800,000 and increasing the revenue source (0600-943-9480-3215) by \$1,800,000; and increasing the appropriation in PW-Fund (4100-943-9470-BIKOI) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000; and

Whereas, in 2006, the City Council adopted Resolution 2006R-634, authorizing City representatives to enter into negotiations with abutting owners for the acquisition of trail easements; and

Whereas, on March 9, 2007, on March 6, 2009, and on May 22, 2009, the City Council authorized the acquisition by negotiation or condemnation of permanent and temporary trail easements encumbering various parcels of the real estate required for completion of the Cedar Lake Trail Phase 3 Project; and

Whereas, it is necessary for the City to obtain authority to commence construction of the Cedar Lake Trail Phase III in 2009 in order to assure meeting state and federal funding deadlines and to permit the City to take advantage of the most favorable climate for bidding construction of the project; and

Whereas, construction of the Cedar Lake Trail Phase III requires that the City secure a permanent easement to permit construction of the trail on that part of the real estate described in Exhibit A attached hereto ("Authority Property Description") which is described in Exhibit B attached hereto ("Trail Parcel Description"); and

Whereas, the City Council finds that the Trail Parcel is needed for the Cedar Lake Trail Phase III Project, and it is necessary, desirable, convenient and for a public purpose to secure a permanent easement encumbering the Trail Parcel for trail purposes and related utility facilities for construction, maintenance and operation of the Cedar Lake Trail over the Trail Parcel, including by use of eminent domain proceedings, if necessary; and

Whereas, City Staff has been unable to acquire a permanent trail easement burdening the Trail Parcel and such an easement is necessary and convenient to enable the City to complete construction and enable use of the Cedar Lake Trail Phase III Project; and

Whereas, a portion of the Trail Parcel is encumbered by a deed restriction in favor of the BNSF Railway Company which the City has been unable to satisfy through negotiation and which has precluded the City from obtaining a permanent easement over the Trail Parcel by negotiations with the owner;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That:

1) If the Director of Public Works is unable to acquire a permanent easement encumbering the Trail Parcel for trail purposes, upon terms acceptable to the City, the City Attorney and outside counsel retained by the City are hereby authorized and directed to initiate and complete eminent domain proceedings to acquire such an easement, and to use the quick take provisions of Minn. Stat. § 117.042 to acquire title and possession of such an easement prior to the filing of the Court Appointed Commissioners' report of damages caused by the taking.

2) With the assistance of the reports of independent real estate appraisers secured on behalf of the City, the Director of Public Works is hereby authorized to determine the amount of the approved appraisal of damages to be paid or deposited by the City pursuant to Minn. Stat. § 117.042.

3) Acquisition of such a permanent easement is hereby determined to be necessary and convenient and for a public purpose.

#### **EXHIBIT A**

#### **AUTHORITY PROPERTY DESCRIPTION**

Those parts of the following 6 Parcels:

##### **Parcel 1.**

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12, Block 3; and  
Lots 1, 2, 3, 4, 9, 10 and 11, Block 6;  
Wilson Bell and Wagner's Addition to Minneapolis;

Vacated or to be vacated 11th Street North (dedicated in the plat of Wilson Bell and Wagner's Addition to Minneapolis as GROVE ST.) and vacated or to be vacated Holden Street (dedicated in the plat of Wilson Bell and Wagner's Addition to Minneapolis as 6TH St.);

##### **Parcel 2.**

Lot 13, Block 3, CAMP and WALKER'S ADDITION TO MINNEAPOLIS, Except that part of said lot lying within "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis";

Parcel 3.

Lots 1, 2, 3, 4, 5, 10, 11, 12 and 13, Block 3; and

Lots 1 through 7, inclusive, Block 2;

"Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis";

Vacated or to be vacated THIRD AVENUE NORTH and vacated or to be vacated SEVENTH STREET NORTH, dedicated in the plat of "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis";

Vacated or to be vacated THIRD AVENUE NORTH and vacated or to be vacated SEVENTH STREET NORTH, dedicated in the plat of CAMP and WALKER'S ADDITION TO MINNEAPOLIS;

Parcel 4.

Lots 3 and 8, Block 85; and

Lots 1 through 10, inclusive, Block 4; and

Lots 1, 2 and 10, Block 5;

HOAG'S ADDITION TO MINNEAPOLIS;

Vacated or to be vacated THIRD AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as ITASKA STREET), vacated or abandoned FOURTH AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as DACOTA STREET), and vacated or abandoned SIXTH STREET and FIFTH STREET, dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS;

Parcel 5.

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP NO. 11, Except that part of said land lying within Block 3, Wilson Bell and Wagner's Addition to Minneapolis;

Parcel 6.

The unplatted parts of the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 22, Township 29, Range 24;

described as follows:

Commencing at the southwest corner of Section 22, Township 29, Range 24; thence, along the west line of said Section 22, on an assumed bearing of North 0 degrees 01 minute 47 seconds East, a distance of 886.34 feet; thence South 85 degrees 09 minutes 04 seconds East a distance of 1722.10 feet; thence easterly on a non-tangential curve, concave to the north, having a radius of 170.00 feet, a central angle of 22 degrees 46 minutes 53 seconds and a chord which bears North 78 degrees 44 minutes 17 seconds East, a distance of 67.59 feet to a point on the westerly line of Lot 9, Block 6, Wilson Bell and Wagner's Addition to Minneapolis and the actual point of beginning of the land to be described; thence continue northeasterly on the last described curve, concave to the northwest, having a radius of 170.00 feet and a central angle of 26 degrees 04 minutes 18 seconds and a chord which bears North 54 degrees 18 minutes 42 seconds East, a distance of 77.37 feet; thence North 41 degrees 16 minutes 32 seconds East tangent to said curve a distance of 523.93 feet; thence northeasterly on a non-tangential curve, concave to the southeast, having a radius 1694.42 feet, a central angle of 8 degrees 57 minutes 40 seconds and a chord which bears North 50 degrees 37 minutes 16 seconds East, a distance of 265.01 feet to the center line of SEVENTH STREET NORTH, as dedicated in "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis"; thence South 44 degrees 56 minutes 07 seconds East, along said center line, a distance of 123.46 feet; thence North 54 degrees 02 minutes 33 seconds East a distance of 55.06 feet; thence South 43 degrees 16

minutes 02 seconds East a distance of 4.03 feet; thence North 49 degrees 44 minutes 44 seconds East a distance of 9.51 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 18.65 feet; thence northeasterly on a non-tangential curve, concave to the northwest, having a radius of 14086.50 feet, a central angle of 00 degrees 20 minutes 13 seconds and a chord which bears North 57 degrees 07 minutes 01 second East, a distance of 82.84 feet; thence North 56 degrees 56 minutes 54 seconds East not tangent to said curve a distance of 28.13 feet; thence deflect to the left on a tangential curve, having a radius of 959.02 feet and a central angle of 12 degrees 18 minutes 40 seconds, a distance of 206.06 feet to a point of compound curvature; thence deflect to the left on a tangential curve, having a radius of 1039.99 feet and a central angle of 06 degrees 12 minutes 46 seconds, a distance of 112.77 feet; thence North 39 degrees 40 minutes 10 seconds East a distance of 46.91 feet; thence North 35 degrees 19 minutes 24 seconds East a distance of 38.40 feet; thence deflect to the right on a tangential curve, having a radius of 801.98 feet and a central angle of 09 degrees 46 minutes 26 seconds, a distance of 136.81 feet; thence North 45 degrees 05 minutes 50 seconds East a distance of 54.36 feet; thence North 44 degrees 54 minutes 10 seconds West a distance of 3.89 feet; thence North 45 degrees 05 minutes 08 seconds East a distance of 12.55 feet; thence North 00 degrees 02 minutes 39 seconds East a distance of 22.42 feet to the northwesterly line of THIRD AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as ITASKA STREET); thence North 44 degrees 30 minutes 52 seconds East, along said northwesterly line, a distance of 39.03 feet to the centerline of vacated or abandoned FIFTH STREET NORTH, as dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 59 minutes 51 seconds West, along said centerline, a distance of 30.65 feet to an intersection with a line drawn at right angles from the northeasterly line of Block 4, HOAG'S ADDITION TO MINNEAPOLIS from a point on said northeasterly line distant 31 feet northwesterly from the most easterly corner of said Block 4; thence South 45 degrees 00 minutes 09 seconds West, along said line drawn at right angles from the northeasterly line of said Block 4 a distance of 41.23 feet to the northeasterly line of said Block 4; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 105.82 feet to an intersection with the southwesterly extension of the northwesterly line of the southeasterly 2.64 feet of Lot 3, Block 85, HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 43 minutes 45 seconds East, along said southwesterly extension, a distance of 82.45 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along the southwesterly line of said Block 85, a distance of 35.36 feet to the most southerly corner of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lot 3, said BLOCK 85; thence North 44 degrees 43 minutes 45 seconds East, along the southeasterly line of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the northeasterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 26.00 feet to the most northerly corner of the southeasterly 64.00 feet of Lot 8, said Block 85; thence South 44 degrees 43 minutes 45 seconds West, along the northwesterly line of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said southwesterly line and along a line drawn from the most westerly corner of said Block 85 to the most southerly corner of Block 9, HOAG'S ADDITION TO MINNEAPOLIS, and along the southwesterly line of said Block 9, a distance of 293.66 feet to an intersection with a line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000; thence South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 214.11 feet to a point hereinafter referred to as Point A; thence continuing South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 89.74 feet to a point hereinafter referred to as Point B; thence South 63 degrees 38 minutes 00 seconds West a distance of 17.84 feet; thence South 57 degrees 04 minutes 22 seconds West a distance of 82.18 feet; thence South 49 degrees 21 minutes 28 seconds West a distance of 125.35 feet; thence South 45 degrees 52 minutes 40 seconds West a distance of 138.40 feet; thence South 40 degrees 30 minutes 48 seconds West a distance of 95.19 feet; thence South 30 degrees 52 minutes 01 second West a distance of 42.41 feet; thence South 35 degrees 37 minutes 59 seconds West a distance of 95.92 feet to a point hereinafter referred to as Point C; thence South 35 degrees 34 minutes 55 seconds West a distance of 26.88 feet; thence southwesterly on a non-tangential curve concave to the northwest, having a radius of 623.80 feet, a

central angle of 09 degrees 32 minutes 24 seconds and a chord which bears South 40 degrees 19 minutes 54 seconds West, a distance of 103.87 feet; thence South 45 degrees 06 minutes 06 seconds West a distance of 112.72 feet; thence southwesterly on a non-tangential curve concave to the southeast, having a radius of 2826.93 feet, a central angle of 02 degrees 48 minutes 55 seconds and a chord which bears South 43 degrees 35 minutes 07 seconds West, a distance of 138.91 feet; thence South 42 degrees 10 minutes 39 seconds West a distance of 155.83 feet; thence southwesterly and southerly on a tangential curve concave to the east, having a radius of 100.12 feet and a central angle of 48 degrees 41 minutes 58 seconds, a distance of 85.10 feet to a southeasterly boundary line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP NO. 11; thence South 52 degrees 13 minutes 40 seconds West, along said southeasterly boundary line, a distance of 58.79 feet to the southerly line of Block 3, Wilson Bell and Wagner's Addition to Minneapolis; thence South 89 degrees 55 minutes 59 seconds East, along said southerly line, a distance of 81.40 feet; thence southeasterly on a non-tangential curve concave to the northeast, having a radius of 80.12 feet, a central angle of 05 degrees 16 minutes 44 seconds and a chord which bears South 38 degrees 58 minutes 37 seconds East, a distance of 7.38 feet; thence southeasterly on a reverse curve concave to the southwest, having a radius of 142.83 feet and a central angle of 25 degrees 07 minutes 15 seconds, a distance of 62.62 feet to the northerly line of Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence North 89 degrees 55 minutes 59 seconds West, along said northerly line, a distance of 35.07 feet, to the northwest corner of Lot 4, Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence South 00 degrees 04 minutes 30 seconds West, along the westerly line of said Lot 4 and the westerly line of Lot 9, said Block 6, a distance of 261.66 feet to the point of beginning.

## EXHIBIT B

### TRAIL PARCEL DESCRIPTION

All that part of the above depicted "Authority Property" which lies westerly and northwesterly of the hereinafter described "Line 1", except that part thereof which lies northwesterly and northerly of the hereinafter described "Line 2"; also except that part of said "Authority Property" which lies northwesterly and westerly of a line drawn parallel with and distant 18.00 feet northwesterly and westerly of said "Line 1", said line drawn parallel with and distant 18.00 feet northwesterly and westerly of "Line 1" shall begin on the westerly line of said "Authority Property" and terminate on the southerly line of Holden Street, as dedicated by the recorded plat of Wilson Bell and Wagner's Addition to Minneapolis; also except that part of said "Authority Property" which lies westerly and northwesterly of said "Line 1", and which lies northeasterly of a tangential line drawn through and extending northwesterly from the point of reverse curvature as described in said "Line 1" and which lies southeasterly of a tangential line drawn through and extending southwestwardly from the most northerly point of tangency of the reverse curve as described in said "Line 1"; also except those parts thereof on which Twins Ballpark structural members or other improvements now or hereafter exist.

#### "Line 1":

"Line 1" is described as beginning at the most southerly corner of said hereinbefore described property; thence northeasterly for 32.60 feet along a non-tangential curve, concave to the northwest, having a radius of 170.00 feet, a central angle of 10 degrees 59 minutes 17 seconds, and a chord which bears North 61 degrees 51 minutes 12 seconds East; thence northerly for 40.67 feet along a non-tangential curve, concave to the west, having a radius of 65.00 feet, a central angle of 35 degrees 50 minutes 59 seconds, and a chord which bears North 18 degrees 00 minutes 05 seconds East; thence North 00 degrees 04 minutes 36 seconds East for 167.47 feet; thence northwesterly for 103.93 feet along a tangential curve, concave to the southwest, having a radius of 142.83 feet, and a central angle of 41 degrees 41 minutes 35 seconds, to a point of reverse curvature; thence northerly for 117.17 feet along a tangential curve, concave to the east, having a radius of 80.12 feet and a central angle of 83 degrees 47 minutes 38 seconds; thence North 42 degrees 10 minutes 39 seconds East for 155.83 feet; thence northeasterly for 137.90 feet along a tangential curve, concave to the southeast, having a radius of

2806.93 feet and a central angle of 02 degrees 48 minutes 54 seconds; thence North 45 degrees 06 minutes 06 seconds East, not tangent to last described curve, for 112.70 feet; thence northeasterly for 107.18 feet along a tangential curve, concave to the northwest, having a radius of 643.80 feet and a central angle of 09 degrees 32 minutes 20 seconds; thence North 35 degrees 38 minutes 05 seconds East, not tangent to last described curve, for 119.33 feet to the southwesterly exterior wall of the Twins Ballpark at Service Level; thence northwesterly and northeasterly along said southwesterly exterior wall and the northwesterly exterior wall of the Twins Ballpark at Service Level to a point on a line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000, distant 105.84 feet northeasterly from the above-described POINT C (as defined in Exhibit A above), as measured along said parallel line, which has a bearing of North 45 degrees 06 minutes 27 seconds East; thence continue northeasterly along said northwesterly exterior wall of the Twins Ballpark at Service Level to a point on said line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000, distant 87.53 feet southwesterly from the above-described POINT B (as defined in Exhibit A above), as measured along said parallel line; thence continue northeasterly along said northwesterly exterior wall of the Twins Ballpark at Service Level to the intersection with a line which has a bearing of South 45 degrees 03 minutes 49 seconds West and is drawn from a point on the northeasterly line of the hereinbefore described property distant 23.42 feet southeasterly of the termination of the hereinafter described "Line 2", as measured along said northeasterly line; thence North 45 degrees 03 minutes 49 seconds East for 117.35 feet to said northeasterly line and said "Line 1" there terminating;

"Line 2":

"Line 2" is described as commencing at the above-described POINT B (as defined in Exhibit A above); thence South 45 degrees 06 minutes 27 seconds West along said line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000, for 13.14 feet to the point of beginning of "Line 2" to be described; thence North 63 degrees 37 minutes 54 seconds East for 46.59 feet; thence northeasterly for 64.99 feet along a tangential curve, concave to the northwest, having a radius of 390.58 feet and a central angle of 09 degrees 32 minutes 02 seconds; thence North 54 degrees 05 minutes 51 seconds East for 50.76 feet; thence northeasterly for 5.91 feet along a tangential curve, concave to the northwest, having a radius of 190.58 feet and a central angle of 01 degree 46 minutes 32 seconds; thence North 45 degrees 03 minutes 49 seconds East, not tangent to last described curve, for 153.85 feet to the northeasterly line of the hereinbefore described property and said "Line 2" there terminating.

Adopted 10/30/2009.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration an interim extension of the Bus Shelter Franchise Agreement with CBS Outdoor from November 9, 2009 to April 1, 2010 to provide for the continuance of the current provisions in the franchise agreement (Minneapolis Code of Ordinances Appendix G - Bus Stop Shelter Franchise), now recommends that said subject matter be **sent forward without recommendation.**

Hodges moved that the report be amended by deleting the language "that said subject matter be sent forward without recommendation" and inserting in lieu thereof the following:

"a) That the proper City officers be authorized to negotiate and enter into an interim agreement with CBS Outdoor from November 9, 2009 to April 1, 2010 to provide for the continuance of provisions as set forth in the amended Bus Stop Shelters Franchise;

b) Authorize the preparation of the introduction of the subject matter and amend the Minneapolis Code of Ordinances, Appendix G, relating to *Bus Stop Shelters Franchise*, for an interim extension to April 1, 2010; and

c) That the Bus Stop Shelters Franchise Ordinance amendment be introduced at the October 30, 2009 City Council meeting." Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 10/30/2009. Yeas, 11; Nays, 1 as follows:

Yeas - Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Remington, Benson, Johnson.

Nays - Glidden.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7196 from Lund Martin Construction, Inc., in the amount of \$1,137,500, to furnish and deliver all labor, materials, and incidentals necessary for the installation of revenue control equipment to the City of Minneapolis Public Works Transportation Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 10/30/2009.

Absent - Colvin Roy.

**The WAYS & MEANS/BUDGET Committee submitted the following reports:**

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-25200 by \$350,000 for an increase in scope to provide support of the City's Tier 4 applications throughout the remaining life of the contract. No additional appropriation required.

Adopted 10/30/2009. Yeas, 11; Nays, 1 as follows:

Yeas - Goodman, Hodges, Samuels, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, Benson, Johnson.

Nays - Gordon.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to purchase additional Mobile Data Computers under OP #6874 from Hubb Systems, LLC d/b/a Data 911 in the amount \$279,000, increasing the expenditure to \$815,000 in 2009. Funded by federal grant received by the Minneapolis Police Department by the United States Department of Justice, COPS Office.

Adopted 10/30/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to increase Contract C-22715 (OP 6522) with Don Harstad Company by \$230,000, for parking ramp revenue control equipment upgrades necessary to allow credit card payment options and automation of Public Works Ramps. All terms, conditions, and unit pricing will follow the price agreement in the original proposal.

Your Committee further recommends that the proper City officers be authorized to execute an amendment to this contract.

Adopted 10/30/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration a grant award from the Minnesota Department of Natural Resources for the Metro Greenways Program, now recommends that the proper City officers be authorized as follows:

a) To accept \$29,000, to carry out a tree planning project that uses GIS technology and satellite imagery to map the City's tree canopy and to report on priority tree planting sites for greatest impacts on heat island mitigation, storm water runoff, energy conservation and/or carbon sequestration; and

b) Passage of the accompanying resolution appropriating \$29,000 to the Department of City Coordinator.

Adopted 10/30/2009.

Absent - Colvin Roy.

**RESOLUTION 2009R-538**

**By Ostrow**

**Amending The 2009 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of City Coordinator in the Grants - Federal Fund (01300-8400000) by \$29,000.

Adopted 10/30/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration three (3) proposed policies relating to Ethics in Government, now recommends approval of the following:

- a) Gifts Between Employees policy, providing guidelines to employees regarding gift giving in the workplace, as recommended by the Ethical Practices Board;
- b) Solicitation and Acceptance of Gifts on Behalf of the City policy, establishing guidelines which incorporates the Finance Department's current Gift Acceptance Policy and establishes an enterprise wide protocol and oversight for the solicitation of gifts on behalf of the City, as recommended by the Ethical Practices Board; and
- c) Amending the current Charitable Organization Policy adopted in 1992, which only permits solicitation of city employees in the workplace for charitable purposes through the Annual Fund Drive and prohibits any other charitable solicitation in the workplace, with a Solicitation for Charitable Purposes policy which takes into account changes in the way the Annual Fund Drive is managed and recognizes and puts conditions on charitable fundraising conducted by departments as team building or community engagement projects and by individuals supporting their own charities.

(Petr No 273868)

Ostrow moved that Petr No 273868 referred to in the report be amended by adding language to Section V. DEFINITIONS in the Solicitation for Charitable Purposes policy, as follows:

**CURRENT VENDOR** means a person or entity with an existing contract, purchase order, letter agreement, or related document with the City.

**POTENTIAL VENDOR** means a person or entity having either submitted a proposal for a pending request for proposals, submitted a bid through the City's competitive bid process, or is involved in a vendor selection process but the City has not yet selected the vendor. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 10/30/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the 2009 (1st through 3rd Quarter) list of donations valued under \$15,000, as set forth in Petr No 273869 on file in the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

**RESOLUTION 2009R-539**

**By Ostrow**

**Authorizing the acceptance of donations made to the City of Minneapolis, valued under \$15,000.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donations made in 2009 (1st through 3rd Quarter) to the City of Minneapolis.

Adopted 10/30/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the 2009 Special Tax Assessments for Delinquent Utility Charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 273869 on file in the Office of the City Clerk.

Adopted 10/30/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for Solar Development and Solar Services at the Minneapolis Convention Center. Drafting of the RFP and evaluating the submitted proposals will require the use of consultant. Costs will be paid out of existing funding in Property Services - Energy Management Internal Service Fund (6200-6800330).

Adopted 10/30/2009.

Absent - Colvin Roy.

**The ZONING & PLANNING Committee submitted the following reports:**

**Z&P** - Your Committee, having under consideration the appeal filed by Kevin and Valerie Holler from the decision of the Planning Commission denying applications for a nonconforming use certificate to establish legal nonconforming rights for a contractor's office and a change of nonconforming use from a minor auto repair facility to a contractor's office for an existing commercial building at 4420 Humboldt Avenue N, now recommends, notwithstanding the recommendation of staff, that said appeal be granted, subject to conditions that:

1. The applicants shall obtain proper permits for all unpermitted work, including but not limited to, electrical, plumbing and construction permits.

2. No outdoor storage shall be allowed for the contractor's office.

3. No additional dwelling units shall be permitted in the residential structure, per Section 531.50 of the zoning ordinance;

and finding that the vacancy or abandonment was beyond the control of the property owner, commercial use of the property continued, the applicant was unaware of the need to apply for a change of non conforming use at the time, and further the new use is less intense than the previous auto repair use.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2009- \_\_\_\_ in the Office of the City Clerk be adopted and made a part of this report by reference.

Schiff moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/30/2009.

Absent – Colvin Roy.

**Z&P** - Your Committee, having under consideration the appeal filed by Ahmed Osman from the decision of the Planning Commission denying applications for a conditional use permit for a shopping center, a conditional use permit for minor auto repair, and a site plan review, all for the property at 1609 Chicago Avenue, now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 10/30/2009.

Absent - Colvin Roy.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Ahmed Osman (BZZ-4556) to rezone the property at 1609 Chicago Avenue from C1 to the C2 Neighborhood Corridor Commercial District, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 10/30/2009.

Absent - Colvin Roy.

**Z&P** - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to require buildings to accommodate ground level active functions facing public streets, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinances be given their second reading for amendment and passage:

a. Amending Chapter 530 relating to *Site Plan Review*; and

b. Amending Chapter 535 relating to *Regulations of General Applicability*.

Adopted 10/30/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-117 amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to *Zoning Code: Site Plan Review*, amending Section 530.120 to require ground level active functions in buildings facing public streets, was adopted 10/30/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2009-Or-117**

**By Goodman**

**Intro & 1st Reading: 2/6/2009**

**Ref to: Z&P**

**2nd Reading: 10/30/2009**

**Amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 530.120 of the above-entitled ordinance be amended to read as follows:

**530.120. Building design.** (a) *Building walls.* Building walls shall provide architectural detail and shall contain windows as required in this section in order to create visual interest and to increase the security of adjacent outdoor spaces by maximizing natural surveillance and visibility. In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length. Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass. The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building. The use of plain face concrete block as an exterior material shall be prohibited where fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.

(b) *Entrances, ~~and windows,~~ and active functions.*

- (1) *Residential uses.* Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
  - b. Windows shall be distributed in a more or less even manner.
- Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.
- (2) *Nonresidential uses.* Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs, or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
- a. Windows shall be vertical in proportion.
  - b. Windows shall be distributed in a more or less even manner.
  - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
  - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.
  - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
  - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
  - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- (3) *Ground floor active functions.* Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

(c) *Roof lines.* The form and pitch of roof lines shall be similar to surrounding buildings.

(d) *Parking garages.* The exterior design of parking garages shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with the minimum window requirements of this article, principal and accessory parking garages shall comply with provisions of this article requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of chapter 549, Downtown Districts, shall apply. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, to create visual interest.

(e) *Exceptions.* The city planning commission or zoning administrator may approve alternatives to these requirements, subject to section 530.80, provided that the security of the surrounding area is considered and that any adverse effects are mitigated through the use of wall enhancements or architectural features, including display windows, that create visual interest.

Adopted 10/30/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-118 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Applications of General Applicability*, adding a new Section 535.60 regarding ground floor active functions, was adopted 10/30/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2009-Or-118**  
**By Goodman**  
**Intro & 1st Reading: 2/6/2009**  
**Ref to: Z&P**  
**2nd Reading: 10/30/2009**

**Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.**

The City Council of the City of Minneapolis do ordain as follows:

**Section 1. That Chapter 535 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 535.60 to read as follows:**

**535.60. Ground floor active functions.** Buildings shall maintain compliance with the ground floor active functions requirements of Chapter 530, Site Plan Review. A building nonconforming as to these requirements shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity with these requirements.

Adopted 10/30/2009.

Absent - Colvin Roy.

**RESOLUTION**

Resolution 2009R-540, honoring Art Dubé, was adopted 10/30/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2009R-540**

**By Council Members Schiff, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Remington, Benson, Colvin Roy, Hodges**

**Honoring Art Dubé.**

Whereas, Morris Park Players Community Theater is the oldest community theater in the state of Minnesota founded by the teachers and parents of Morris Park Elementary School 56 years ago in 1953; and

Whereas, during his lifetime, Art Dubé has demonstrated many times over that service and volunteerism is not a burden, but the preferred way to live life by his 20 years of service to his country in the US Navy, his countless volunteer hours for the USO, his church, the Boy Scouts of America, and his neighborhood; and

Whereas, Art Dubé has been an active member of Morris Park Players Community Theater for 50 years; and

Whereas, Art Dubé has also been the top ticket seller and advertisement salesman, since joining Morris Park Players and it is in no small part due to Mr. Dubé's fundraising and ticket selling efforts that the theater has been able to continue to offer affordable ticket prices so all city residents are able to enjoy quality musical theater; and

Whereas, Art Dubé is the recipient of the Minnesota Association of Community Theaters annual Fliehr Lifetime Achievement Award; and

Whereas, Mr. Dubé will be honored for his many years of service to Morris Park Community Theatre on Friday, November 6th during the intermission of the opening night performance of Beauty and the Beast at Folwell Middle School:

Now, Therefore Be It Resolved By The City Council of The City of Minneapolis:

That Friday, November 6, 2009 be proclaimed as Art Dubé Day in The City of Minneapolis.

Adopted 10/30/2009.

Absent - Colvin Roy.

### UNFINISHED BUSINESS

A Public Safety & Regulatory Services Committee report relating to Bootleggers at 323 1st Ave N (On-Sale Liquor Class A with Sunday Sales License) was postponed 10/30/2009.

Pursuant to notice, Gordon moved to introduce the subject matter of an ordinance amending Title 14, Chapter 370 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Regulations Involving Minors, for first reading and referral to the Public Safety & Regulatory Services Committee (adopting a social host ordinance to discourage underage consumption of alcohol by imposing penalties on those who host events or gatherings where underage persons possess or consume alcohol). Seconded.

Adopted upon a voice vote 10/30/2009.

Absent - Colvin Roy.

### NEW BUSINESS

Glidden moved approval of the appointment of election judges, and authorization for the use of substitutions from the eligible list of election judges as necessary, for the 131 precincts in the City for all elections in 2009, as set forth in Petn No 273876 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis, and further recommends authorizing the use of an Absentee Ballot Board, and approval of the list of election judges to serve as said Board, for all elections in 2009, pursuant to Minnesota Statutes, Section 203B.13. Seconded.

Adopted 10/30/2009.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/30/2009.

(Published 11/3/2009)

Glidden moved to introduce the subject matter of an ordinance amending Appendix G of the Minneapolis Code of Ordinances relating to Bus Stop Shelters Franchise, for first reading and referral to the Transportation & Public Works Committee (Allowing interim extension to April 1, 2010). Seconded.

Adopted by unanimous consent 10/30/2009.

Absent - Colvin Roy.

Johnson moved to introduce an ordinance amending Chapter 3, Section 4 of the Minneapolis City Charter relating to *Powers and Duties of Officers: Executive Committee*, for first reading and referral to the Minneapolis Charter Commission (that the position of Director of Regulatory Services & Emergency Preparedness be included in the appointment process outlined in Charter Chapter 3, Section 4). Seconded.

Adopted by unanimous consent 10/30/2009.

Absent - Colvin Roy.

**OCTOBER 30, 2009**

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Johnson moved to adopt the draft 2010 City Council Meeting Calendar, as set forth in Petn No 273874, with formal adoption to take place at the organizational meeting of January 4, 2010. Seconded.

Adopted upon a voice vote 10/30/2009.

Absent - Colvin Roy.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 10/30/2009.

Absent - Colvin Roy.

Steven J. Ristuben,  
City Clerk.

Unofficial Posting: 11/3/2009  
Official Posting: 11/6/2009